

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
August 17, 1992

Meeting convenes at 10:00 a.m., Monday, August 17, 1992, in the fourth floor conference room. The Commission will tour the Granger Waste Water Treatment Facility/Wetland at 9 a.m., Tuesday, August 18.

Public Participation

10:30 a.m.

Break

3:00 p.m.

APPOINTMENTS:

Dr. Vern Varner (Inerts)

11:00 a.m.

~~Leo Schuchter (Item #16)~~

~~1:30 p.m.~~

1. Approve Agenda.
2. Approve Minutes of July 20, 1992.
3. Director's Report. (Wilson) Information.
4. Budget Status (1993 Budget Summary). (Kuhn) Information.
5. Nonpoint Pollution Control Project Contract. (Kuhn) Decision.
6. Toxic Cleanup Days Contract. (Kuhn) Decision.
7. By-Products and Waste Search Service Contract. (Kuhn) Decision.
8. ISU Recycling Data Base (MARTIN) Contract. (Kuhn) Decision.
9. Monthly Reports. (Stokes) Information.
10. Grimes Yard Waste Compost Facility Permit Update. (Stokes) Information.
11. State Nonpoint Source Pollution Management Plan. (Stokes) Decision.
12. ^{*Emergency Adopted Rule*} ~~Final Rule~~--Chapter 62, Effluent and Pretreatment Standards. (Stokes) Decision.
13. Notice of Intended Action--Chapter 82, Well Contractor Certification. (Stokes) Decision.

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- 14. Notice of Intended Action--Chapters 20, 22, 23, 24, 25 & 29, Air Quality Rule Amendments. (Stokes) Decision.**
 - 15. Final Rule--Chapter 10, Administrative Penalties. (Stokes) Decision.**
 - delete* **~~16. Contested Case Decision Appeal--Leo Schachtner. (Murphy) Decision.~~**
 - 17. Referrals to the Attorney General. (Murphy) Decision.**
 - a) Leonard Vonderhaar (Clayton County)**
 - b) Kris Ehlinger (LeClaire)**
 - 18. 1993 Legislation Package. (Wilson) Decision.**
 - 19. General Discussion.**
 - 20. Address Items for Next Meeting**
-

NEXT MEETING DATES:

September 21, 1992

October 19, 1992

November 16, 1992

ENVIRONMENTAL PROTECTION COMMISSION

Monday, August 17, 1992

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Jane Ellison		Waukee
Maynard Jayne	Iowa Cattlemen	Ames
DENNIS DAY		Grimes
Ben Kelly		Waukee
Kristi Henschman	Organic Technologies	Vandeventer
DAN VEST	GROWMARIC	BLOOMINGTON, I.C.
PAULINE WIPPERMAN		GRIMES, IA
Sarah Irene Wheeler		Grimes, Ia
Brian Ball		Des Moines, IA
Michael Kastig	Iowa Ground Water Assoc.	Des Moines IA.
Theresa Kehoe	IA Senate	DSM
Julie Smith	Leg. Service B	DSM
Joanna Herck	Dallas County News	Adel
Keith Wiperman	Grimes	Grimes
Tom Henderson	Whitfield Law Firm for Grimes	
Rob Burt	CR Byette	DSM
JEFF Robinson	LFD	

ENVIRONMENTAL PROTECTION COMMISSION

August 17, 1992

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Rick Kelley	UHL	DML
DAN FLETCHER	IPCA	DEAL
Marilyn Helterman		Carlsbad
James J. Palma	Seal	Iowa City
Chris Gault	Iowa Farm Bureau	WDSN
John C. Schaefer		Marion, Ia
John C. Schaefer	IPCA	

RECORD COPY *EPC Meeting*
File Name *ADM-1-1-1* *August 1992*
Sender's Initials *JY*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

AUGUST 17, 1992

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on August 17, 1992, in the Wallace State Office Building, Des Moines, Iowa.

COMMISSIONERS PRESENT

Verlon Britt
William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Gary Priebe
Clark Yeager

COMMISSIONERS ABSENT

Nancylee Siebenmann
Margaret Pahl

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Item #16 - Contested Case Appeal--Leo Schachtner

Chairperson Hartsuck explained that the parties involved with the Leo Schachtner case are unable to attend today.

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Rozanne King noted that Margaret Pahl had asked that an education session be provided on the Air Quality Rule Amendments and she questioned when it would be presented.

Allan Stokes stated that it was his understanding the Commission had questions on the Air Quality rules but, since he was not at the previous meeting, he was not precisely sure what

type of education the Commission was looking for. He noted that those rules will come before the Commission today for approval to go to public comment and he will give some comments at that time. He related that if the Commission still desires more formal education on the issue, if they would specify the areas of question that they had, staff can provide an education session before the Commission takes action on final adoption of the rules.

Motion was made by Charlotte Mohr to approve the meeting minutes of July 20, 1992, as presented. Seconded by Clark Yeager. Motion carried unanimously.

APPROVED AS PRESENTED

BUDGET UPDATE, FY 93

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is a schedule which outlines the DNR's FY93 operations budget by division and major program within each division. Capitals and special programs budgeted outside of the operations budget are not included.

By adjusting General fund appropriations among divisions, and maintaining vacancies within programs funded with General funds, the DNR expects to maintain most program services. A reduction of two FTE is expected with the Geological Survey bureau later this fall.

The DNR received 87% of the funds needed to pay for General fund related salary increases. The remainder is being absorbed by reducing support or maintaining vacancies. All staff under union contract agreements have received their increases and backpay. Non-contract staff received a 7.5% COLA. Authorization was given to award the non-contract merit increases, both for FY92 (without backpay) and for FY93 for those non-contract staff not at the top of their respective salary ranges. However, DNR decided not to award the adjustments related to FY92.

The budget for FY93 reflects the assignment of the legal bureau, previously within the Coordination and Information division, to the Environmental Protection division. The legislative liaison staff and the Information and Education bureau are under the management of the Deputy Director.

The most significant change in the Administrative Services division is the decrease of staff assigned to Construction Services. This is due primarily to the reduced funding available for capital renovation and development. New for FY93, the division's budget also includes \$750,000 which represents indirect charges from federal and earmarked State funds which

will be transferred to the General fund. This results from a policy decision by the 1991 G.A. to charge all funding sources for their appropriate share of central government costs. About \$300,000 of that comes from the Fish and Wildlife trust fund with the remainder from the Groundwater fund, EPA federal programs, and miscellaneous other sources.

Full-time staffing is being reduced in the Parks, Recreation and Preserves division by approximately 9 vacancies in order to fund support costs and remaining staff. While support is budgeted very closely, the division intends to provide expected services during the fiscal year.

Likewise, the Forests and Forestry division is holding vacancies in both the Forest Management area and the Forestry services area to meet budget.

Staffing for the Energy Bureau is expected to remain at about the current level. The budget for Energy related Professional Services has increased significantly for both the Biomass program and Energy Conservation program. Energy programs are funded primarily with Oil Overcharge and Federal funding.

The budget for Geological Survey programs shows a decrease in both staffing and support. The in-house research drilling program will be terminated this year. Funding for groundwater related efforts is program to decrease significantly over the next several years.

The Environmental Protection division's budget reflects a major increase in the Air Quality area relating to increased State support and Federal requirements. The division's budget also includes the DNR's Legal Bureau, previously budgeted in Coordination and Information. The Professional Services line item includes a major increase of approximately \$600,000 related to 319 non-point source pollution activity, and \$370,000 related to LUST Cleanup.

There is very little change in Fish and Wildlife operations as compared to previous years, with the exception of costs related to the charge back of central government expenses under the policy adopted by the 1991 G.A. As explained under the ASD division, approximately \$300,000 is included there as chargeable under the Federal indirect cost process. An additional \$205,600 has been added to the FW budget for similar State costs, the difference being that this amount cannot be included within the federal indirect formula.

The Waste Management Assistance division's budget will increase primarily to bring staffing up to almost authorized levels. While staffing was authorized at 18.75 FTE, the amount of estimated solid waste revenue will limit actual staffing to about 16.0 FTE. Professional Services and Printing budgets show a significant increase in FY93 as compared to FY92 primarily due to preparing various public information material. Because of budget and staffing constraints, much of this work was delayed from FY92.

Financial schedules providing detail for the DNR and for each division will be provided from the State's budget system to each commission when available.

Staff is working on preparing the FY94/5 budget requests, due shortly to DOM. Instructions received from DOM indicate that agencies should request no more in General fund appropriations than was received in FY93.

Division and Programs	FY91 A. FTE	FY91 Actual	FY92 A.FTE	FY92 E.Actual	FY93 FTE	FY93 Budget
Director's Office:	4.2	291,647	3.6	275,000	4.0	334,919
Legislative Liasion	1.0	78,231	2.0	102,000	2.0	127,563
REAP	1.0	77,022	1.0	76,780	0.0	22,000
Legal Bureau	5.1	339,694	6.6	382,500	In EPD	
Information & Education	22.4	1,485,922	17.3	1,200,000	17.9	1,191,964
Planning	7.1	318,076	Planning Function to Divisions			
C&I Div. Mngt	1.0	79,884	0.8	73,236	0.0	0
Total	41.8	2,670,476	31.3	2,109,516	23.9	1,676,446

Notes: The Legal staff has been transferred to EPD in FY93. In FY92, the planning staff was reassigned to various divisions. The REAP program reflects the coordinator and expenses in FY91 and FY92. In FY93, the REAP program reflects only expenses, as the coordinator was reassigned to the FW division. With the dissolution of the C&I division, the Legislative Liasion function and the I&E bureau have been assigned to the Deputy.

	FY91 A. FTE	FY91 Actual	FY92 A.FTE	FY92 E.Actual	FY93 FTE	FY93 Budget
Admin. Services Div.:						
Budgets and Grants	7.2	303,076	6.1	288,000	8.0	381,979
Accounting	16.8	697,012	16.1	740,000	16.0	771,791
Administrative Services	37.4	1,777,937	30.1	1,400,000	35.0	1,655,733
Data Processing	13.3	636,778	12.9	660,000	14.0	803,528
Licensing	7.0	223,632	7.0	245,000	7.0	273,423
Construction Services	21.5	1,050,388	18.2	890,000	15.0	860,515
Land Acq. & Mngt	8.0	389,383	8.0	410,000	8.0	461,397
Division Management	1.9	157,282	2.0	162,000	1.3	150,184
Central Services						750,007
Totals	113.1	5,235,488	100.4	4,795,000	104.3	6,108,557

Notes: Construction Services staff is reduced, reflecting reduced funds for capital renovation and development. Decreases in Administrative Services staff is being offset, for the most part, through increased use of personal computers. As a result of a policy action by the 1991 G.A., the DNR is assessed expenses relating to central services. The \$750,007 budget for this charge is determined through the Federal Indirect Cost process and is funded by Fish and Wildlife funds, Groundwater revenues, EPD related Federal aid and miscellaneous other sources.

	FY91 A. FTE	FY91 Actual	FY92 A.FTE	FY92 E.Actual	FY93 FTE	FY93 Budget
Parks, Pres. & Rec. Div.:						
Parks Operations	182.3	6,862,678	178.6	6,748,000	176.5	7,283,434
Recreation	2.0	104,908	5.4	285,000	7.0	316,213
Preserves & Ecological	5.0	261,614	5.2	250,000	5.0	305,640
Trails Construction	9.1	229,106	4.6	92,000	3.7	43,807
Division Mngt	1.0	79,657	1.0	126,000	1.0	96,155
Totals	199.4	7,537,963	194.8	7,501,000	193.2	8,045,249

Notes: Due to General funding reductions, this division is budgeted very tightly. Staffing reductions will occur through maintaining existing vacancies and reassigning staff as possible.

	FY91 A. FTE	FY91 Actual	FY92 A.FTE	FY92 E.Actual	FY93 FTE	FY93 Budget
Forests & Forestry Div.:						
State Nursery	17.7	641,056	11.6	740,000	14.9	672,598
State Forest Mngt	19.5	778,637	15.1	749,280	21.6	916,719
Forestry Services	18.8	1,168,512	17.3	960,000	17.3	1,063,388
Division Mngt	1.0	81,266	1.0	104,000	1.0	99,100
Totals	57.0	2,669,471	45.0	2,553,280	54.8	2,751,805

Notes: The division's budget is affected by General fund constraints. Vacancies will be maintained as indicated to meet budget. Nursery staffing reflects the substitution of Riverview inmate labor, to the degree possible, for regular seasonal labor.

	FY91 A. FTE	FY91 Actual	FY92 A.FTE	FY92 E.Actual	FY93 FTE	FY93 Budget
Energy and Geology Div.:						
Energy Bureau	24.5	1,155,080	18.8	870,000	23.0	1,548,657
Geology Survey Bureau	33.6	2,832,119	32.1	2,400,000	29.0	2,555,702
Totals	58.1	3,987,199	50.9	3,270,000	52.0	4,104,359

Notes: The increase in the FY93 Energy budget relates to an additional \$307,600 for Professional Services in the Biomass program and \$182,600 for Professional Services in the Local Government Energy Conservation area. The in-house research drilling effort in Geology will be curtailed later this fall.

	FY91 A. FTE	FY91 Actual	FY92 A.FTE	FY92 E.Actual	FY93 FTE	FY93 Budget
Env. Prot. Div.:						
Surface/Groundwater	46.7	2,807,516	44.4	2,900,000	52.0	3,953,888
Air/Solid Waste	43.4	2,426,237	51.5	2,750,000	61.0	3,760,630
Field/Em. Resp.	53.4	2,608,375	54.1	2,800,000	56.0	3,237,193
Legal		In C&I		In C&I	4.0	298,257
Div. Mngt	1.0	79,079	1.0	80,137	1.0	84,366
Totals	144.5	7,921,207	151.0	8,530,137	174.0	11,334,334

Notes: The Surface/Groundwater bureau's budget includes an increase of approximately \$600,000 for 319 non-point pollution efforts in the Progressional Services category. The LUST Professional Services budget is increased by \$370,000 in Professional Services relating to tank cleanup. Staffing is increased in the Air Quality program as a result of recent State and Federal legislation. In addition to the 4 FTE reflected in the Legal Bureau, two other attorneys are budgeted directly in EPD program areas.

	FY91 A. FTE	FY91 Actual	FY92 A.FTE	FY92 E.Actual	FY93 FTE	FY93 Budget
Fish and Wildlife Division:						
Law Enforcement	97.8	4,892,379	99.2	5,200,000	100.9	5,606,908
Fisheries	105.5	4,431,665	105.3	4,620,000	113.2	5,088,657
Wildlife	116.9	5,019,861	109.2	5,015,000	122.7	5,714,657
Div. Mngt	1.0	242,427	1.0	430,000	1.0	519,771
Totals	321.2	14,586,332	314.7	15,265,000	337.8	16,929,993

Notes: The \$205,000 increase in the Division Mngt budget for FY92 and FY93 reflect the charges to the FW division for central service costs not chargeable under the Federal Indirect Cost process. The difference between the FY92 and FY93 FTE numbers reflect normal vacancies as compared to authorized staffing, and do not reflect increased program activity.

	FY91 A. FTE	FY91 Actual	FY92 A.FTE	FY92 E.Actual	FY93 FTE	FY93 Budget
Waste Mngt. Assistance	12.9	727,116	10.3	650,000	16.7	1,210,530

Notes: The FY93 authorized FTE is 18.75. However, due to constraints relating to solid waste re actual FTE will probably not exceed 16. Compared to FY92 actual, additional funds are budgeted for public information materials.

	FY91 A. FTE	FY91 Actual	FY92 A.FTE	FY92 E.Actual	FY93 FTE	FY93 Budget
DNR Operations Total	935.1	44,608,136	888.1	44,023,933	940.0	50,950,743

Notes: The FTE's for FY93 reflect planned vacancies. Because of that, FTE's will vary from those reflected in State Budget Documents. Except for the major changes indicated in the notes, most program increases are due to the implementation of the salary increases in FY93. The FY93 budgets include backpay where appropriate for contract staff.

Brief discussion followed.

INFORMATIONAL ONLY

NONPOINT POLLUTION CONTROL PROJECT CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Commission approval is requested for a contract with the Iowa State University Extension Service to implement an animal waste demonstration farm project.

DNR was awarded EPA Section 319 funding in 1990 to conduct an animal waste management project. The funded project involved activities, including developing and distributing a booklet explaining DNR's animal waste control rules, establishing a network of from 10 to 15 farms throughout the state which can be used to inform and educate other farmers and the general public on alternative waste control systems for open feedlots, and developing public information materials on various waste control systems. Due to lack of staffing, the only component of the project which has been completed to date is the development of the booklet explaining DNR's regulations.

This contract will support a 3/4 time staff position in ISU Extension for a one-year period to implement the demonstration farm aspects of this project, as well as pay travel and other project implementation costs. Continuation of the project for a second year is anticipated. Year one contract costs are \$58,536, and will be paid with EPA Section 319 funds.

(A copy of the contract is on file in the department's Records Center)

Rozanne King questioned whether the completion dates that are left blank will be agreed upon before the contract is signed.

Al Stokes stated that the absence of some of the dates is due to the timing when the contract is approved and finalized. If it gets into the winter season and construction is impacted it will affect the timeframe. The date will be filled in when the contract is finalized.

Motion was made by William Ehm to approve the Nonpoint Pollution Control Project Contract with Iowa State University Extension Service, as presented. Seconded by Rozanne King. Motion carried unanimously.

CONTRACT APPROVED AS PRESENTED

TOXIC CLEANUP DAYS CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

A proposal to handle toxic waste cleanup day functions was requested from thirty-three firms that had previously indicated their capability or interest in providing hazardous waste contractor services. Eight firms responded with proposals. The request for proposal stipulated that the contract would be awarded on the basis of thoroughness in addressing criteria, ability to manage collected waste streams, and cost projections.

The proposals were reviewed by a panel of three department staff. All the firms submitting bids were able to address criteria requested on experience of personnel, safety, and servicing of events. Firms which submitted proposals are listed below with figures for the cost of a standardized event based on their price quotes. The Waste Management Division compared prices for each company using the same amount of staffing, materials and wastes.

Laidlaw:	\$24,510
Heritage:	\$27,281
Safety Specialists:	\$28,854
Burlington Environmental Inc.	\$31,003
Aptus:	\$33,583
Chemical Waste Management:	\$36,864
Clean Harbors:	\$42,168
Dynex:	\$49,757

Two firms, Chemical Waste Management and Clean Harbors would not take dioxin bearing waste and this offers significant advantages in the management of cleanup day activities. Aptus would take this waste but with a storage fee charge of \$4 a day per drum.

Heritage, Safety Specialists, and Burlington Environmental Inc. had excellent proposals addressing safety criteria and service. Their staff qualifications and training indicated that their personnel were experienced and well trained to provide excellent service.

Laidlaw was our contractor for the fall 91 events and spring of 92. Laidlaw modified their safety training at our request and improved it.

Recommendation on a contractor would be to hire Laidlaw since they meet the requirements specified in the contract and have the lowest bid.

The total costs for DNR for the collection events for this fall is estimated to be up to \$ 381,000. In addition, the counties hosting events will be providing approximately another \$65,500 to help with waste disposal costs.

Total funding estimated to be available for the duration of this contract, which includes fall and spring events for FY93, is \$587,000. The balance of these monies, following the fall events, will be made available for spring events. The sites and estimated costs for spring events will be determined after the spring proposals are received on or by September 15, 1992.

ARTICLE V. SCOPE OF WORK

-
- 5.1 ~~The Contractor shall provide qualified personnel and sufficient equipment at each of the~~ Toxic Cleanup Day sites for the identification, segregation, packaging and transportation of hazardous wastes. The Contractor shall be solely responsible for and provide adequate wastes. Local Organization staff shall be responsible for assisting Contractor staff in off-loading waste from vehicles to the final segregation and packaging area.
- 5.2 The Contractor shall accept wastes for transportation and disposal from individuals as designated by the representative of the Department at the site. A limit of 220 pounds or 25 gallons of waste will be accepted from each household except as directed by the Department or Local Organization representative. The Contractor shall accept waste only from urban and rural residents. This service is not for retail businesses, city or county government schools.
- 5.3 The Contractor will not be responsible to accept the following wastes:
- Explosives, shock sensitive materials, ammunition, unknowns, radioactive materials, or Freon 11 and 12.
- 5.4 The Local Organizations shall make appointments for citizens to deliver household hazardous wastes to the collection site. The Local Organizations will keep records of the number of appointments, estimate the types and quantities of household hazardous waste that will be delivered to the event and the citizens name and phone number. This information shall be made available to the Department and the Contractor.

- 5.5 The Contractor shall have staff available to assist the Department and Local Organizations with the appointment system. This assistance shall include providing technical assistance on disposal of household hazardous wastes. The Contractor shall assist the Department and Local Organizations in estimating the cost of disposing of household hazardous wastes that are scheduled by appointment to be delivered to the collection site, at the end of each appointment day or as otherwise requested.
- 5.6 The Contractor shall provide training to Department and Local Organization staff to include, at a minimum, training on the use of protective clothing, basis safety handling procedures for household hazardous waste, and basic safety procedures as referenced in Attachment B. The Contractor will provide an adequate supply of protective clothing for use by Local Organization and Department staff.
- 5.7 A representative of the Department will inform the Contractor before the beginning of each Toxic Cleanup Day the amount of funding allocated to the specific site being serviced. The Department or Local Organization shall curtail operation upon the approximation of the allocation limit. The Service may continue if directed by the Department representative on site. If directed to continue Service beyond the original allocation limit, the Department or Local Organization will compensate the Contractor for any expenses incurred.

The Contractor shall not incur costs to the Department or Local Organizations exceeding the total amount budgeted as stated in Article VIII. Section F Funding.

- 5.8 The Contractor shall be deemed to be the generator for the purpose of federal, state and local laws and regulations of all wastes accepted at the Toxic Cleanup Days.
- 5.9 The Contractor shall have a valid Environmental Protection Agency identification number as appropriate for generation, transportation and storage of hazardous and acutely hazardous wastes and approval for the wastes to be disposed of at PEA and Contractor approved disposal sites.
- 5.10 The Contractor shall have liability insurance in effect for claims arising out of death or bodily injury and property damage from hazardous and acutely hazardous waste transport, storage and disposal, including automobile liability, and legal defense costs, as evidenced by a certificate of insurance satisfactory to the Department delivered to the Department not later than fourteen (14) days prior to the beginning day of collection.
- 5.11 The Contractor shall package and manifest the waste collected each collection day by the end of the collection day if possible or by the end of the next day if the amount of waste collected requires more time for packaging and manifesting. The Contractor shall transport the wastes from the site within 48 hours of the end of the final day of collection.
- 5.12 The title of all waste accepted by the Contractor at the site shall pass directly from the individual to the Contractor at the time of its acceptance.

- 5.13 The Contractor shall indemnify, hold harmless and defend the Department and Local Organizations from and against any liabilities, claims, penalties, fines, forfeitures, suites, and the costs and expenses incident thereto which may be alleged against the Department or Local Organizations or which the Department or Local Organizations may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations or orders, to the extent that such damage was caused by the Contractor's negligent, willful or intentional act or omission, breach of contract or a failure of the Contractor's warranties to be true, accurate or complete.
- 5.14 The Contractor's bid, in response to the Department's Request for Proposal for subject services is hereby incorporated as Attachment A.

ARTICLE VI. Toxic Cleanup Day Schedule

September 12, 1992

Cerro Gordo County
Mason City, IA

Plymouth County
~~Plymouth County Maintenance Building~~
Le Mars, IA

Monona County
Monona County Recycling & Transfer
Station, Turin, IA

September 19

Allamakee County
Allamakee County Fairgrounds
Waukon, IA

Winnebago County
Forest City Maintenance Building
Forest City, IA

Palo Alto
Palo Alto County Fairgrounds,
Emmetsburg, IA

September 26

Shelby County
Shelby County Fairgrounds
Harlan, IA

Cass County
Cass County Fairgrounds

Atlantic, IA

Sac County
Sac County Fairgrounds
Sac City, IA

Oct. 3

Jones County
Jones County Fairgrounds
Monticello, IA

Cedar County
Cedar County Fairgrounds
Tipton, IA

Howard County
Howard County Fairgrounds
Cresco, IA

Mr. Kuhn explained the contract proposals and noted that staff recommendation is to hire Laidlaw.

Motion was made by Charlotte Mohr to award the Toxic Cleanup Days contract for the 1992 fall events to Laidlaw. Seconded by Rozanne King. Motion carried unanimously.

TCD CONTRACT AWARDED TO LAIDLAW
--

BY-PRODUCTS AND WASTE SEARCH SERVICE CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Pursuant to Chapter 455B.310, subsection 2, the Department of Natural Resources will provide \$25,000 derived from solid waste tonnage fees to the Iowa Waste Reduction Center (IWRC) for the purpose of coordinating the implementation of the By-Products and Waste Search Service (BAWSS). BAWSS is a program that facilitates the identification of waste materials from Iowa businesses that can be used by other businesses as raw materials. The result is the elimination of many tons of waste from going to the landfill.

This program is being done in conjunction with seven Iowa Community Colleges that have been awarded grants by the Department to implement the BAWSS program in their areas. IWRC will provide training and ongoing technical services, including management of the BAWSS database and software system, visiting with and assisting community college participants, developing technical reference material, conducting periodic training workshops, investigating broader

market sharing opportunities, and other activities that will enhance the implementation of BAWSS.

The first year contract, #92-G591-01, is being amended to extend the time of performance to July 31, 1993 and to add second year elements to the scope of work (attached). The addition of the \$25,000 brings the total funding for the project to \$37,500.

Article V. Scope of Work (amended for year two)

Activities 1 through 3 describe year one program elements. The contract is amended to include the following elements which address year two activities:

4. Ongoing technical assistance, including:

- Researching uses of by-products and other materials that would otherwise be considered wastes, and providing appropriate technical assistance to community college representatives. the research will include the following:

- 1) Attendance at conferences and workshops to keep up-to-date on new uses and other organization's work on extending the life of materials;
- 2) Investigation of new research and uses through journals and technical documents;
- 3) ~~Begin use of the By-product and Waste Reference System software;~~
- 4) Visiting and calling new markets such as recycling companies, manufacturers and other users of materials to determine their wants and uses of materials; and
- 5) Pursuing applied research efforts that will help create an effective exchange service.

- Making matches of materials from generators to users outside funded community college regions and outside of Iowa.

5. On-going BAWSS interaction with community college representatives, including:

- Production of the following reports, which will be sent to the community colleges:

- 1) "Materials Available" in the applicable region;
- 2) "Materials Available" throughout the state (without generator names);
- 3) "Materials Matched" in the applicable regions; and
- 4) "Materials Matched" throughout the state (without generator names).

The "Materials Matched" will include total dollars saved on disposal, quantity matched, and listings of specific materials matched. Assess work in each region.

- On-going communication with community colleges through one-on-one phone and conference calls, meetings, etc. to identify progress, problems and successes in their regions. This includes communication to representatives of ideas for uses of materials available in their regions. This will include on-going dissemination of training and reference materials,

including new market information. It also includes follow-up communication to determine reliability of new and existing markets. In addition, it includes problem-solving with community colleges about BAWSS issues such as work with out-of-state companies, handling materials from companies that have already located markets, working with brokers, and other on-going concerns.

- Assess communication procedures with community colleges.
 - Follow-up meetings with each community college grant recipient to accomplish the following:
 - 1) Train them and work through challenges as IWRC accompanies them during on-site visits to companies; and
 - 2) Discuss successes, problems, concerns and experiences.
 - Follow-up meeting to exchange information and discuss issues.
 - Facilitate communication between participating community colleges.
6. Special projects, including:
- On-going development of training and reference materials.

-
- Investigation of feasibility and timeframe for BAWSS participation in the national waste exchange software data base. This will include learning about the national exchange's timeframe and program goals, computer/compatibility issues and requirements to be part of the exchange.
 - Investigation of market information sharing. At this time, market information sharing among the Iowa Waste Reduction Center, the Department of Natural Resources, and Iowa State University's recycling database known as MARTIN is not coordinated. The feasibility of sharing market information through data base systems will be addressed through this project.

7. On-going BAWSS data management, including:

- Input community college and IWRC Material Information Form and Referral Form data into BAWSS software program, including addresses of generators and potential users of materials, description of materials available, matches, match techniques used, types of users and other relevant information.
- On-going revision of BAWSS software to make more functional and efficient.

8. Developing a way for community college BAWSS representatives to use the BAWSS software system or other data management system. This will allow them to enter information about materials available for exchange, referrals, matches and other information. This project will include assessing community colleges' current software systems, determining policies and means

to handle confidentiality issues and maintain quality of data, and other relevant challenges related to expanded software usage.

Gary Priebe inquired as to what type of waste would be considered as by-products.

Scott Cahail, Waste Management Division, explained that it could be any type of a waste material or by-product that a company would normally have disposed of such as refrigerants, scrap metals, polyester batting, plastics, and wood pallets to name a few.

Motion was made by Rozanne King to approve the By-Products and Waste Search Service contract with Iowa Waste Reduction Center, at a cost of \$25,000 to DNR. Seconded by Charlotte Mohr. Motion carried unanimously.

CONTRACT APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Ben Kelley

Ben Kelly, resident of Waukee, displayed a map and pointed out the route where runoff travels each time it rains, eventually ending up in the Raccoon River. He related that area residents are very concerned about this, especially with its proximity to the Grimes School.

Jane Collison

Jane Collison, area resident, addressed the Commission expressing concerns with the Economic Impact Statement (EIS) prepared by Metro Solid Waste. She questioned whether the five permanent jobs to be developed would be new employees or employees who would be transferred from the East side facility. She noted a number of pages where the words "well run" and "properly run" were used and wondered what the guarantees are of a properly run facility. She related that she feels there is a possibility of negative impacts.

Chairperson Hartsuck stated that the purpose of the project is not to create jobs, rather it is to dispose of waste.

William Ehm commented that he has been a member of the Commission for two years and the DNR is in charge of making sure landfills, sewage disposal systems, etc., are properly run. He added that he feels the department does a very good job given the resources they have.

Tom Henderson

Tom Henderson, City Attorney for Grimes, addressed the Commission referring to the EIS, pages 9-12, which addresses the negative effects of the proposed facility. He indicated

that, on Page 10, the property value information supplied by Metro Solid Waste is from 1990 and is based on some studies that were run in Florida and other southern communities. He noted that it cited waste-to-energy facilities which is a whole different type of facility than the one being proposed for Grimes. Mr. Henderson asked the Commission to delay for 60 days the granting of a permit to the Metro Solid Waste Agency. This would allow the city time to file a study of their own as to what will happen to property values in the area as a result of the proposed facility.

Clark Yeager asked if the EIS has to be taken into consideration by the staff when issuing a permit.

Allan Stokes stated that the legislation merely states that an EIS has to be filed but does not provide any further guidance to the department or the Commission on how to consider it. Staff position is that the filing of an EIS is all that is required and there is no direction to the staff or Commission to consider it further. He added that the Code of Iowa, under 455B, does not require the Commission to look at economic or social types of impacts but does note their duty to look at the environmental impact.

Mr. Henderson stated that it is his interpretation the department is empowered to fill in details when the legislation does not give those details. He added the Commission, in his opinion, is empowered to consider the permit and reject it if they so desire.

Chairperson Hartsuck commented that he feels the Commission should not delay the permit another 60 days as it has already been delayed to allow for filing of the EIS.

Kristy Hirschman

Kristy Hirschman, representing Organic Technologies Corporation, addressed the Commission stating that if a permit is granted to Metro Solid Waste it will make an economic impact on her facility. She related that the Grimes facility will greatly reduce the waste stream coming to Organic Technologies. She noted that the jobs listed in the EIS have already been created and the equipment purchases have already been made. Ms. Hirschman spoke of problems the Grimes area will have with truck traffic and nearby residential areas and pointed out that Organic Technologies is on a dead end road with a light residential area. She noted that the citizens of Grimes have several legitimate concerns and expanded on those issues. In conclusion, Ms. Hirschman stated that all of these issues would be laid to rest if the DNR would deny the permit. She asked that they at least delay issuance of the permit until next month, until after Organic Technologies has their open house.

Discussion followed regarding the difference in tipping fees at different facilities, the amount of waste going to the Harriet Street facility and Organic Technologies, and whether Des Moines and the surrounding area is large enough to have two sites available.

APPOINTMENT - DR. VERN VARNER

Dr. Vern Varner, Psychiatrist and Lawyer, distributed hand-outs covering the following six topics and spoke in detail on each of these issues: 1) U.S. Geological Survey Summary of Volatile Organics in Raw Pesticide Ingredients; 2) Listing of Inerts of Toxicological Concern; 3) Listing of Inerts with a High Priority for Testing; 4) EPA Confidential Statement of Formula; 5) Commercial name, manufacturer and chemical nature of emulsifiers studied as enhancers of virus infection of mammalian cells; and 6) A suggested ideal Confidential Statement of Formula. Dr. Varner noted that many of the ingredients in pesticides that are protected as trade secrets by industry contain solvents that cause cancer, neurological disorders and other health problems. He stated that the big lie is that these chemicals are inert. He related that none of the chemicals are harmless or inert and that it is a terrible, macabre joke to list them as such. He added that he objects to chemicals being labeled as inerts and questioned, if they are inerts, why the chemical companies are squashing legislation to disclose this information. Dr. Varner went on to say that the federal government doesn't even know if the information listed on the Confidential Statement of Formula is accurate because they do not test it. In conclusion, Dr. Varner asked the Commission to assure that legislation will disclose the proper information. He also urged the Commission to communicate with the Department of Agriculture to allow the Center of Health Effects on the Environment (CHEEC) to get copies of the Confidential Statements of Formula filed with their department.

Discussion followed regarding the listing of inerts in ink and rubber company products; industrial waste labeled as inert and used as a dilution ingredient; the cost of pesticides if inerts were banned; and the public's right to know what is in inerts.

Chairperson Hartsuck thanked Dr. Varner for his time and the information he presented.

ISU RECYCLING DATA BASE (MARTIN) CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Department of Natural Resources has accepted money from the U.S. Environmental Protection Agency under Grant Agreement Number X007412 01. This agreement was initiated May 1, 1990 and has been extended to September 30, 1993.

The purpose of the project is to provide funds to Iowa State University to develop a recycling database system known as the Mid-America Recycling and Transportation Information Network (MARTIN). This project provides an information system that identifies markets for recyclable commodities in a fifteen state area in the upper Midwest. The system is accessible nation-wide by a toll free 800 number. One obligation of the project is to provide to other region states the software that was developed for this system and to provide technical assistance in the use of the system.

The EPA provided \$199,202 for the first two years of the project and has added \$25,000 to the project for the third year of the project. The Department will be providing an additional \$50,000 to the project with moneys derived from the Waste Volume Reduction and Recycling Fund and used in accordance with Iowa Code Chapter 455D.15. The extension of the contract (#91-9600-01) between the Department and Iowa State University includes a total of \$75,000 for the third year of the project.

The primary goals of the third year of the project are to add more end market information for recyclable commodities and to develop and implement a strategy for expanding the access and use of the MARTIN system. The developers of the MARTIN system will be working with the Center for Industrial Research and Service (CIRAS) to improve user access and use of the system.

Article V. Scope of Work

Article V, **Scope of Work**, paragraph 1 is replaced by the following: Activities conducted under this contract for Year 1 are the same as those described in the attached proposal submitted to the Department of Natural Resources, Waste Management Division entitled "Development, Demonstration, Documentation and Implementation of a Communication Network for Marketing Recyclable Materials from Solid Waste." Activities conducted under this grant for Year 2 are the same as those described in the attached proposal entitled "Development, Demonstration , ~~Documentation and Implementation of a Communication Network for Marketing Recyclable~~ Materials from Solid Waste: Second Year Activities". Activities conducted under this grant for Year 3 are the same as those described in the attached proposal entitled "Development, Demonstration, Documentation and Implementation of a Communication Network for Marketing Recyclable Materials from Solid Waste: Third Year Activities".

Activities 1 - 7 listed in the original contract Article V, **Scope of Work**, shall be Year 1 Activities.

Activities 8 - 14 listed in the first contract amendment under Article V, **Scope of Work**, shall be Year 2 Activities.

Year 3 Activities are added to Article V, **Scope of Work**, as follows:

Marketing Strategy

15. In cooperation with Center for Industrial Research and Service (CIRAS) at Iowa State University, information on MARTIN will be distributed to Iowa manufacturers and a needs assessment that identifies the most useful and desired aspects of MARTIN to Iowa manufacturers will be conducted and the results incorporated into the system when appropriate.

16. Instructional materials on the use of MARTIN will be developed and distributed to all interested parties and potential user groups within Iowa.

17. The practicality and cost effectiveness of using a 900 telephone number for MARTIN will be determined. Also the potential for obtaining listings for MARTIN in the yellow pages of telephone directories.

18. Determining the practicality and cost effectiveness of using community colleges and councils of governments as base points for instructions on the use of MARTIN. Also determine and demonstrate the use of public libraries as demonstration and training centers for MARTIN and as centers for recycling information in Iowa.

19. Obtain feedback from MARTIN users on ways to improve the system content and operation. Determine user needs and preferences for a training module to provide fundamental instruction in the use of MARTIN.

20. Determine improvement in the use and acceptance of MARTIN in Iowa and bordering states through examination of telephone log data collected over the one year period of study and estimate the value of MARTIN to selected users over the study period.

System Improvements

21. In cooperation with CIRAS, and using other available information sources, identify major secondary material end users in Iowa. Also identify small to medium sized industries that could potentially be secondary material users.

22. Identify existing and potential uses of secondary material in Iowa and the contingent specifications for their use.

23. Specify cost effective modes, routes and, where possible, transporters of secondary materials for selected end user industries throughout Iowa and in bordering states.

24. Determine the use of the MARTIN system by industrial users, document the benefits realized by those users, and publicize those benefits through all appropriate avenues.

25. Obtain user input on recommendations for improvement of the system's content and implement all practical and cost effective suggestions.

26. Prepare a Third Year final report documenting procedures, developments, implementation and results.

Mr. Kuhn gave an explanation of the contract.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve a contract amendment with Iowa State University at a cost of \$75,000, to implement a database system known as Mid-America Recycling and Transportation Information Network. Seconded by William Ehm. Motion carried unanimously.

CONTRACT APPROVED AS PRESENTED

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
 2. Variance Report
 3. Hazardous Substance/Emergency Response Report
 4. Enforcement Status Report
 5. Contested Case Status Report
-

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 16 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
August 1, 1992

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 1 - Conflict of Interest	*9/21/92	*10/14/92	*11/ /92	*11/ /92	*12/21/92	*12/21/92	*1/20/92	*2/24/93
2. Ch. 10 - Administrative Penalties	6/15/92	7/08/92	8/11/92	-----	8/17/92	*8/17/92	*9/16/92	*10/21/92
3. Ch. 20, 22-25, 29 - Air Quality Rule Updates	8/17/92	*9/16/92	*10/ /92	*10/20/92 *10/21/92 *10/22/92	*11/16/92	*11/16/92	*12/09/92	*1/13/93
4. Ch. 40, 41, 42, 43-Definitions, Water Supplies-Lab Certification/Design and Operation	5/18/92	6/10/92	7/14/92	7/01/92 7/02/92 7/07/92 7/08/92	*9/21/92	*9/21/92	*10/14/92	*11/18/92
5. Ch. 61 - Certification of Corps of Engineers Permits	7/20/92	*9/02/92	*10/ /92	*10/ /92	*11/16/92	*11/16/92	*12/09/92	*1/13/92
6. Ch. 62 - Effluent Treatment Standards		E M E R G E N C Y A D O P T E D			*8/17/92	*8/17/92	*9/16/92	*10/21/92
7. Ch. 82 - Well Contractors Certification	8/17/92	*9/16/92	*10/ /92	*10/ /92	*11/16/92	*11/16/92	*12/09/92	*2/13/93
8. Ch. 92 - State Revolving Loans for Wastewater Treatment	3/16/92	4/15/92	5/11/92	5/07/92	*9/21/92	*9/21/92	*10/14/92	*11/18/92
9. Ch. 100 & 102 - Permits - Special and Infectious Wastes	1/21/92	2/19/92	3/09/92	3/18/92	*9/21/92	*9/21/92	*10/14/92	*11/18/92

*Projected

MONTHLY VARIANCE REPORT						
Month: July, 1992						
o.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Ankeny	Wastewater Construction	Veenstra & Kimm, Inc.	Sewer Grade	Approved	07/06/92
2.	City of Decatur City	Wastewater Construction	Howard R. Green Co.	Lagoon Piping	Denied	07/17/92
3.	City of Lockridge	Wastewater Construction	French-Reneker Associates, Inc.	Pond Influent Piping	Approved	07/23/92
4.	Steve & Donna Story - Allamakee County	Flood Plain		Per Cent Length Reduction	Approved	07/02/92
5.	Fayette Street Bridge-Fayette County	Flood Plain	Cedar Valley Engineering	Freeboard	Approved	07/16/92
6.	Alter 23rd. Ave. Site-Council Bluffs	Solid Waste	Timothy Hall	Separation Distance	Approved	07/29/92
7.	Alter 23rd. Ave. Site-Council Bluffs	Solid Waste	Timothy Hall	Liner	Approved	07/29/92
8.	River Heights Property Owners Association-Johnson County	Watersupply Construction	Hart Engineering	Siting Criteria	Approved	07/06/92
9.	City of Rinard	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	07/10/92
10.	Northfork Second Addition - Linn County	Watersupply Construction	Shive-Hattery Engineers & Architects, Inc.	Design Basis	Denied	07/16/92

TOPIC: Report of Hazardous Conditions

During the period July 1, 1992 through July 31, 1992, reports of 85 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
07/06/92 Polk	Vandals placed approximately 30 Draino bombs at various locations in Des Moines. No one was injured during the incident, and no impacts to the environment occurred.	Unknown	The Des Moines bomb squad detonated the devices, and the HazMat team neutralized the remaining material and then flushed the solution to the storm sewer.
07/14/92 Webster	A citizen reported to the local officials that oil from a parking lot was running toward the Des Moines River after a heavy rain. The oil did not reach the river.	Friesth Const. RR #1 Fort Dodge, IA	The responsible party was required to absorb the free oil and overexcavate contaminated soil. The responsible party was also instructed in the proper application of waste oil for dust control.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1991

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	87(112)	52(69)	4(7)	31(36)	42(70)	2(0)	24(25)	2(1)	0(1)	17(15)
Nov.	83(69)	56(36)	3(11)	22(22)	44(35)	1(0)	22(15)	0(4)	1(1)	13(14)
Dec.	81(85)	47(61)	7(14)	27(10)	40(37)	2(1)	28(23)	2(1)	1(1)	8(22)
Jan.	64(56)	40(31)	6(7)	18(18)	33(35)	0(1)	22(9)	1(1)	0(1)	8(9)
Feb.	61(77)	38(43)	6(7)	17(27)	36(47)	0(1)	19(14)	2(2)	0(2)	4(11)
March	79(82)	40(51)	15(10)	24(21)	50(43)	0(3)	14(17)	1(3)	0(0)	14(16)
April	107(85)	50(46)	35(22)	22(17)	47(36)	3(2)	39(25)	2(1)	0(0)	16(21)
May	141(162)	41(54)	64(67)	36(41)	75(79)	0(3)	49(47)	1(3)	3(0)	13(29)
June	105(116)	58(51)	25(46)	22(19)	51(52)	2(1)	28(42)	2(0)	3(0)	19(21)
July	85(125)	47(57)	7(22)	31(46)	47(60)	0(2)	18(26)	0(2)	0(1)	0(34)
August										
Sept.										

Total Number Of
Incidents Per Field
Office This Period:

1	2	3	4	5	6
18	8	9	8	17	25

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of July 1, 1992 through July 31, 1992, the following number of releases from underground storage tanks were identified.

26 (77)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1991.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of July 1, 1992 through July 31, 1992, the following number of LUST cleanups were completed.

5 (498)

The number in parentheses represents the total number of LUST cleanups through July 31, 1992.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Chelstom Beach of Okoboji, Spirit Lake (3)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/06/92
Riverside Bible Camp, Story City (2)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/06/92
Loyal Order of the Moose, Iowa Falls (2)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/06/92
Northwood Country Club, Northwood (2)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/06/92
Izaak Walton League, Iowa City (6)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/06/92
Gerks Seasonal MHP and Resort, Spirit Lake (3)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/06/92
Valley Inn, Inc., Pleasant Valley (6)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/06/92
Elks Country Club, Iowa City (6)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/06/92
Sugar Valley Camp Ground, Keokuk (6)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/06/92
Don Grothe d/b/a Don's Motor Mart, Lake Mills (2)	Underground Tank	Construction Deficiencies	Order/Penalty	7/06/92
Wildwood First Addition Water Service Co., Toddville (1)	Drinking Water	Monitoring/Reporting-Bacteria, Radiological	Order/Penalty	7/09/92
Don Hoeness d/b/a Hoeness & Sons Auto, Winterset (5)	Underground Tank	Closure Investigation	Order/Penalty	7/09/92
LaVerne Rehder, Union (3)	Underground Tank	Closure Investigation	Order/Penalty	7/09/92
George Deitch d/b/a D & A Standard, Fremont (5)	Underground Tank	Site Assessment	Order/Penalty	7/09/92
Delano's Lounge, Washington (6)	Drinking Water	MCL - Bacteria; Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	7/09/92
Ainsworth 4 Corners Restaurant, Ainsworth (6)	Drinking Water	MCL - Bacteria; Monitoring/Reporting-Bacteria; Public Notice	Order/Penalty	7/09/92

Xenia Rural Water District (East), Woodward (5)	Drinking Water	MCL - Bacteria; Public Notice	Order/Penalty	7/09/92
Verde Water Company, Table Mound #1-Well #2, Dubuque (2)	Drinking Water	Monitoring/Reporting-Organics	Order/Penalty	7/10/92
Des Moines, City of (5)	Wastewater	Sludge Disposal	Order/Penalty	7/16/92
Fellowship Lake Dam, Tama County (5)	Flood Plain	Other	Order	7/16/92
Randy Bonin and Vickie Brannick, Iowa Falls (2)	Solid Waste	Illegal Disposal	Order/Penalty	7/16/92
Ida County Sanitary Landfill (3)	Solid Waste	Permit Conditions - Leachate Control; Cover Violations; Other	Order/Penalty	7/16/92
Macmillan Oil Company, Inc.; The Graham Group, Inc., Des Moines (5)	Wastewater	Prohibited Discharge Remedial Action	Referred to AG	7/20/92
Tandem-Oak Park Associates, Fort Dodge (2)	Drinking Water	Monitoring/Reporting- Bacteria; Inorganics; Organics; Radioactivity	Referred to AG	7/20/92
Winterset, City of (5)	Wastewater	Effluent Limitations	Referred to AG	7/20/92
Hallett Materials-Van Meter Pit, Dallas County (5)	Wastewater	Operation Without Permit	Order/Penalty	7/31/92

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Paper Recovery Corporation (Sioux City)	UT	500	1-08-92
Krause Feedlot (Hardin County)	WW	500	1-23-92
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Kris Ehlinger d/b/a K.J.'s Convenience (LeClaire)	UT	600	5-21-92
Best Western Westfield Inn (Coralville)	WS	600	5-23-92
*M & D's Chalet (Elgin)	WS	175	7-12-92
Knollridge Garden Apartments (Iowa City)	WS	500	7-13-92
Casey, City of	WS	200	8-02-92
Estherville Golf Club (Estherville)	WS	200	8-05-92
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000	8-09-92
Clarmond Country Club (Clarion)	WS	200	8-10-92
Orrie's Supper Club, Inc. (Hudson)	WS	300	8-10-92
American Legion Post 719 (Prescott)	WS	300	8-11-92
Delhi Lakeview Estates, Inc. #1 (Waterloo)	WS	400	8-11-92
Nob Hill Supper Club (Decorah)	WS	400	8-11-92
Breitbart's Tap (Sherrill)	WS	200	8-12-92
Black Coach (Okoboji)	WS	200	8-12-92
Plantation Village Mobile Home Park (Burlington)	WS	860	8-12-92
Woodlyn Hills Golf Course (Milford)	WS	215	8-12-92
Dyersville Golf & Country Club (Dyersville)	WS	500	8-12-92
Dick White (Washington County)	AQ	250	8-15-92
Beaver, City of	WS	430	8-17-92
Lansing, City of	WS	200	8-18-92
Frederika Restaurant (Sumner)	WS	265	8-19-92
Sloan, City of	WS	190	8-19-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Orville Reid, Jr. (Cedar County)	WW	500	8-20-92
Flint Hills Municipal Golf Course (Burlington)	WS	200	8-24-92
Iowa Oil Co. (Dubuque)	UT	1,000	8-24-92
Stone City General Store, Inc. (Anamosa)	WS	695	8-26-92
Marion Stark (Kellerton)	UT	300	8-26-92
PAM Fuels, Inc. (Milford)	UT	1,000	8-27-92
Don Stickle and Sons Farms (Linn County)	WW	750	8-30-92
Scott CCB-Scott Co. Park-Pine Grove	WS	50	9-01-92

*On Payment Schedule

Scott CCB-Scott Co. Park-Whispering Pines	WS	50	9-01-92
Scott CCB-Scott Co. Park-Nature Center	WS	50	9-01-92
Scott CCB-Scott Co. Park-Pool	WS	50	9-01-92
Scott CCB-Scott Co. Park-Incahias	WS	50	9-01-92
Consolidated Packaging Corp. (Fort Madison)	WW	1,000	9-02-92
Elks Country Club (Iowa City)	WS	330	9-06-92
Valley Inn, Inc. (Pleasant Valley)	WS	200	9-10-92
Don Grothe d/b/a Don's Motor Mart (Lake Mills)	UT	300	9-10-92
Chalstom Beach of Okoboji (Spirit Lake)	WS	240	9-10-92
Dean Hoeness d/b/a Hoeness & Sons Auto (Winterset)	UT	300	9-11-92
Sugar Valley Camp Ground (Keokuk)	WS	200	9-12-92
Wildwood First Addition Water Co. (Toddville)	WS	380	9-13-92
Izaak Walton League (Iowa City)	WS	200	9-14-92
Verde Water Co. (Table Mound #1/Well #2) (Dubuque)	WS	100	9-15-92
Ida County Sanitary Landfill (Ida County)	SW	1,000	9-17-92
Randy Bonin/Vickie Brannick (Hardin County)	SW	500	9-18-92
Ainsworth 4 Corners Restaurant (Ainsworth)	WS	540	9-20-92
Delano's Lounge (Washington)	WS	500	9-20-92
Des Moines, City of	WW	1,000	9-20-92
Carson Grain & Implement (Coggon)	UT	1,000	-----
Sunny Brae Golf & Country Club (Osage)	WS	500	-----
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth County)	SW	950	4-11-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
Fred R. Thomas/Fred R. Thomas, Jr. d/b/a Clair-View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Lloyd Dunton (Iowa County)	SW	300	11-07-91
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	440	11-19-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Capitol Oil Co. d/b/a Dakota MHP (Iowa City)	WW	1,000	11-03-91
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	500	1-01-92
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	500	1-25-92
Dilts Trucking, Inc. (Crescent)	UT	500	1-12-92
R. D. Lofton, DVM (Osage)	UT	300	2-12-92
*Todd D. Behounek and Paul Behounek (Tama County)	SW	100	5-21-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
Van Hulzen Oil Company (Oskaloosa)	UT	700	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Charlie Fox d/b/a Charlie's Standard (Hamburg)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Poland (Decatur)	FP	800
King's Terrace Mobile Home Court (Ames)	WW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350

Plymouth County Solid Waste Agency	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Molkenthin Swine Operation (Keokuk County)	WW	800
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wally's Paint Shop (Strawberry Point)	AQ	500
Westside Park for Mobile Homes (Lee Co.)	WW	250
Monona Co. SLF/Ronald L. Hanson (Monona Co.)	SW	1,000
Highland Golf Club, Inc. (Iowa Falls)	UT	500
Casey's General Store (Redfield)	UT	1,000
Tower Club (Cresco)	WS	400
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
West Liberty Oil Co. (West Liberty)	UT	1,000
Village Creek Bible Council (Lansing)	WS	500
Farmland Foods, Inc. (Carroll)	WW	1,000
Nordstrom Oil Company (Cedar Rapids)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
D.Frank/D.Steib-Interstate Salvage (Webster Co.)	AQ	600
Linden Water Supply	WS	1,000
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500
William H. Viner (Emerson)	UT	600
Partners-Four-Investments, Inc. (Rockwell)	UT	700
Ossian Chemical, Inc. (Davenport)	AQ	1,000
Farmers Cooperative Elevator (Martelle)	HC	1,000
Partners-Four-Investments, Inc. (Marble Rock)	UT	700
Community Cooperative Oil Co. (Marcus)	UT	600
Community Cooperative Oil Co. (Paullina)	UT	600
Community Cooperative Oil Co. (Remsen)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Clement Auto and Truck, Inc. (Webster City)	UT	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Swaledale, City of	WS	400
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Twin Valley Lakes Improvement Assn. (Solon)	WS	420
Joslin Enterprises, Ltd. (Anamosa)	UT	600
Country Estates Mobile Home Park (Long Grove)	WS	765
Rockford Golf & Country Club (Rockford)	WS	200
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Rocky Nook Resort (Delhi)	WS	475
Gerks Seasonal MHP and Resort (Spirit Lake)	WS	200
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Xenia Rural Water District (East) (Woodward)	WS	500
LaVerne Rehder (Union)	UT	300

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Pheasant Ridge Pro Shop (Cedar Falls)	WS	200
Nita-Ho-Valley (Bellevue)	WS	50
Lake View Water Supply	WS	100
Timberlake Homeowners Assn. (Swisher)	WS	50
Country Estates Development (Cedar Rapids)	WS	100
Dyersville Implement, Inc. (Dyersville)	HC	1,000
John Hosch (Jones County)	WW	500
George Taylor (Onslow)	UT	300
Meyer Mobile Home Park (Denison)	WS	150
Waterloo, City of	WW	1,000
Dietrick Mobile Home Park, Inc. (Grundy Co.)	WW	500
Dyno Oil Company (Spirit Lake)	UT	1,000
Lee's Resort (Spirit Lake)	WS	200
Lake Mills, City of	WS	200
Corydon, City of	WS	450
Lazy Daz (Melrose)	WS	75
Mason City Iron and Metal Co. (Mason City)	AQ	250
Camp Riverside (Guthrie County)	FP	500
Riverside Bible Camp (Story City)	WS	100
Verde Water Co./Table Mound/Well #1 (Dubuque)	WS	100
Crawford Co. Conserv. Board/Nelson Park	WS	100

*On Payment Schedule

Northwood Country Club (Northwood)	WS	50
Ace Mobile Home Park (Dubuque)	WS	75
Tama CCB/TF Clark Park	WS	50
Tama CCB/Otter Creek Park Well #1	WS	50
Tama CCB/Otter Creek Park Well #2	WS	50
Loyal Order of the Moose (Iowa Falls)	WS	50
Robert Dean (Parkersburg)	SW	250
Kossuth Co. Conserv. Board/Smith Lake Park	WS	100
Rock Falls Lounge (Rock Falls)	WS	440
Audubon CCB/Littlefield Rec. Area #1	WS	200
Ames, City of	SW	500
*Sleepy Hollow Campground (Oxford) (PAID IN FULL)	WW	250
Boomsma's, Inc. (Hardin Co.)	WW	1,000
Onawa Country Club (Onawa)	WS	100
Centerville, City of	WS	1,000

TOTAL \$11,090

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
August 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Al's Corner Oil Co. Carroll (4)		Hazardous Condition	Remedial Action	Order	Referred	12/16/91
Amana Colonies Golf Course Amana (6)		Wastewater	Construction Without Permit	Order	Referred	2/17/92
American Meat Protein Corp. Lytton (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	10/21/91 4/30/92
Ames Golf & Country Club Ames (5)		Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Amoco Oil Company Des Moines (5)	Updated	Underground Tank	Remedial Action	Referred to Attorney General	Referred Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 3/29/93
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)	Updated	Wastewater	Prohibited Discharge	Order	Referred Consent Decree (\$3,000/Civil)	2/18/91 7/23/92
Archer Daniels Midland Co. Clinton County (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Amended Petition Filed	3/18/91 10/28/91
		Air Quality	Emission Stds.		Referred Petition Filed Trial Date	5/20/91 10/04/91 1/18/93
Behounek, Paul and Todd Tama (5)		Air Quality	Open Burning	Referred to Attorney General	Referred	5/18/92
Bell Watcher, Inc. Poweshiek Co. (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred Consent Decree Reactivated	9/20/89 4/23/90 12/23/91
Birusingh, Kirshna A. Crescent (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	6/15/92
Bode, Kenneth Mills County (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	6/15/92
Boley, Fred d/b/a Boley Oil McCauley (6)		Hazardous Condition	Remedial Action	Order	Referred	2/17/92

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ENVIRONMENTAL PROTECTION COMMISSION
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August 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DMR Action	Status	Date
Bridgestone/Firestone, Inc. Des Moines (5)	Updated	Wastewater Hazardous Condition	Prohibited Discharge/ Failure/Notify	Referred to Attorney General	Referred Trial Information Filed	5/21/90 7/06/92
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	7/15/91 5/19/92
Buffalo Bill Estates, Inc. Camanche (6)		Drinking Water	Mtrg/Rprtng- Nitrate	Order/Penalty	Referred	6/17/91
Buffalo Bill Estates, Inc. Clinton County (6)		Drinking Water	Mtrg/Rprtng- MCL - Bacteria	Order/Penalty	Referred	12/16/91
Capitol City Oil Co. d/b/a Dakota Mobile Home Park Iowa City (6)		Wastewater	Monitoring/ Reporting	Order/Penalty	Referred	2/17/92
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)	Updated	Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed Trial Date Consent Decree (\$2,000/Civil)	9/18/90 12/31/90 7/27/92 7/16/92
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Suit Filed Trial Date	9/20/89 8/08/90 4/08/92
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Motion to Consolidate Brief Due Respondent's Brief Due Reply Brief Due Oral Arguments	8/19/91 8/14/91 9/16/91 11/21/91 12/31/91 9/01/92 10/16/92 11/16/92 12/03/92
Chicago & Northwestern Transportation Co. Stanwood (6)		Air Quality	Open Burning	Referred to Attorney General	Referred	5/07/92
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan Site Work Remedial System Activated	8/17/88 2/01/90 4/20/90 8/22/90 10/14/91 2/06/92
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order Order	Referred Petition for Judicial Review Motion to Dismiss Order Granting Motion to Dismiss Notice of Appeal Appellant Filed Brief State Filed Brief	4/15/91 4/18/91 5/08/91 7/23/91 8/13/91 11/11/91 1/10/92
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
August 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Trial Date	4/16/90 5/13/91 9/29/92
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Amended Petition Filed Trial Date	4/16/90 11/30/90 5/13/91 9/29/92
Dillingham, V.R. Everly (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	6/15/92
Dilts Trucking, Inc. Crescent (4)		Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred	12/16/91
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	6/15/92
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Contempt Hearing Order of Contempt Motion for Stay Order Granting Stay Oral Arguments	9/16/91 9/18/91 12/06/91 12/20/91 12/26/91 12/26/91 9/02/92
Faber, Don Des Moines (5)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	5/18/92
First Iowa State Bank Albia (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Oral Argument Ruling on Petition for Judicial Review Notice of Appeal State Filed Brief	4/12/91 11/04/91 3/02/92 3/31/92 8/03/92
Fox, Charlie Hamburg (4)		Underground Tank	Site Check	Order/Penalty	Referred	6/15/92
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred Petition Filed Trial Date	2/18/91 8/06/91 8/20/92
Giese Construction Co. Ft. Dodge (2)		Solid Waste Air Quality	Illegal Disposal; Open Burning	Referred to Attorney General	Referred	5/29/92
Herweh, Bill Prairie City (5)		Underground Tank	Closure Investigation	Order	Referred	11/18/91
Humboldt County Sanitary Landfill (2)		Solid Waste	Cover Violations; Other	Referred to Attorney General	Referred	5/29/92
IBP, inc. Columbus Junction (6)	Updated	Wastewater	DNR Defendant	Defense	Suit Filed Answered IBP Brief Filed State Brief Filed Oral Arguments	3/17/92 4/03/92 5/26/92 7/31/92 9/17/92

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
August 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Iowa City, City of (6)		Solid Waste	Cover Violations	Referred to Attorney General	Referred	4/20/92
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Landfill of Des Moines, Inc. Des Moines #4 (5)		Solid Waste	Compliance Schedule;Other	Order/Penalty	Referred	12/16/91
Landfill of Des Moines, Inc. Des Moines #5 (5)		Solid Waste	Compliance Schedule;Other	Order/Penalty	Referred	5/18/92
Lenox, City of and Papetti's of Iowa, Inc.	Updated	Wastewater	Effluent Strnds; Treatment Agreement	Order	Referred Consent Decree (Papetti's \$40,000/Civil) (City of Lenox \$5,000/Civil)	2/18/91 7/09/92
Loften, R. D. d/b/a Loften Veterinary Services Osage (2)		Underground Tank	Closure Investigation	Order/Penalty	Referred	4/20/92
Lucas-Monroe County Sanitary Landfill (5)		Solid Waste	Other	Referred to Attorney General	Referred	5/29/92
Lytton, City of (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	5/18/92
Maasdam, Donald Rolfe (3)		Solid Waste	Operation Without Permit	Order	Referred	1/21/92
MacMillan Oil Co., Inc.; The Graham Group, Inc. Des Moines (5)	New	Wastewater	Prohibited Dis- charge; Remedial Action	Referred to Attorney General	Referred	7/20/92
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred	2/17/92
McGregor, John W. and Doris v. DNR (4)	Updated	Wastewater	DNR Defendant	401 Certification	Petition for Judicial Review Answer Filed Dismissed Without Prejudice	5/30/91 6/25/91 6/09/92
Bob McKiniss Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation	3/12/91 5/01/91 3/26/92
Midwest Environmental Law Center v. EPC		Air Quality	DNR Defendant	Defense	Suit Filed Answer Filed Motion for Summary Judgment Hearing on Motion Summary Judgment Denied Trial Date	12/03/91 12/23/91 4/10/92 5/22/92 5/22/92 10/08/92
Monfort, Inc. Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Polk Co.) Trial Date	12/11/89 7/19/91 6/22/92
New Virginia Sanitary District (5)		Wastewater	Mtrg/Rprtng	Referred to Attorney General	Referred Petition Filed	9/16/91 5/19/92
Nollen, Harold d/b/a Nollen Phillips 66 Harlan (4)		Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92

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ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
August 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Orchard, City of (2)		Drinking Water	Mtrg/Rpmtg MCL-Bacteria Operation Violations	Referred to Attorney General	Referred	6/17/91
Page, Leonard Kent (4)		Underground Tank	Closure Investigation	Order/Penalty	Referred	6/15/92
Pringle, Michael and Brenda d/b/a Follett's Tap Camanche (6)		Drinking Water	Mtrg/Rpmtg Bacteria/Nitrate	Referred to Attorney General	Referred	6/15/92
Schultz, Albert and Iowa Iron Works Ely (1)	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	9/20/89 8/08/90 4/19/93
Shelley, Roberto and Sally Guthrie Center (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	4/15/91 7/18/91 5/19/92
Simmons, Art d/b/a Art's Garage Bussey (5)	Updated	Underground Tank	Remedial Action	Referred to Attorney General	Referred Closed Administratively	5/20/91 7/31/92
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed Consent Decree (\$5,000) Bankruptcy Ch. 7 Filed Claim Filed Bankruptcy Trial Date	2/20/90 7/02/90 10/30/91 12/19/91 1/21/92 5/14/92
Soo Line Railroad Co. Mason City (2)		Wastewater Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred	7/15/91
Starling, Vern Boone County (5)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Summary Judgment Trial Date Ruling on Motion for Summary Judgment (\$800/Admin.) Partial Payment Rcd. (\$110)	1/21/92 1/31/92 3/02/92 3/03/92 5/06/92
Sun Wise Systems Corp. Sac City (3)	Updated	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Trial Date	10/15/90 11/27/91 1/26/93
Tama City of (5)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred	6/15/92
Tandem-Oak Park Assoc. Tandem-Oak Park Assoc. Fort Dodge (2)	New	Drinking Water	Mtrg/Rpmtg Bacteria/Inorg. Organics/Rads.	Order/Penalty	Referred	7/20/92
Taylor, George Onslow (1)		Underground Tank	Closure Investigation	Order/Penalty	Referred	6/15/92
Thomas, Fred R. d/b/a Clair-View Acres, Delhi (1)		Drinking Water	Mtrg/Rpmtg	Order/Penalty	Referred	9/16/91
Van Hulzen, Kenneth Oskaloosa (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred	6/15/92
Winterset, City of (5)	New	Wastewater	Effluent Limits	Referred to Attorney General	Referred	7/20/92
Wunschel, Vernus Ida Grove (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92
Yentes, Clifford Council Bluffs (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	4/20/92
Zahrobsky, Tom Lucas (5)		Wastewater	Prohibited Discharge	Order/Penalty	Referred	5/26/92

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
AUGUST 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Letter sent regarding amended order.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Murphy	Hearing continued.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Appealed to Supreme Court.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	One of two sites closed-SCR completed on second.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	District Court dismisses other issues; Foland appeals to Supreme Court.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Hearing set for 8/10/92.
1-25-89	Amoco Oil Co. - Des Moines 7LTY03	Administrative Order	UT	Wornson	Settlement proposed. Clean-up progressing.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Murphy	Property transferred.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Hearing continued.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Petition for judicial review of agency action.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-20-89	FFCA/IIP	Site Registry	HC	Murphy	Considering dismissal.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Proposed decision 5/14/92. Appealed.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.

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5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	City response under review by EPD.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement/letter sent 7/31/92.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Settlement pending.
7-23-90	I8P, inc. Perry	Administrative Order NPDES Permit	WW	Hansen	Response from I8P 10/14/91; draft permit issued.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Settlement pending.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Murphy	Hearing set for 10/30/92.
9-10-90	I8P, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Briefs submitted; oral arguments 9/92.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	Settlement proposed.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Negotiating before filing.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Hearing continued indefinitely.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Wornson	Settlement proposed.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.

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1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing set for 8/6/92.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Settled.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Preziosi	Hearings begun.
3-21-91	Molkenthin Swine Operation	Administrative Order	WW	Murphy	Hearing continued.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Hearing continued.
7-05-91	Mason City Iron & Metal Co.	Administrative Order	AQ	Preziosi	Settled.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Hearing continued.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance initiated.
8-05-91	Rathburn Area Solid Waste Comm.	Permit Conditions	SW	Kennedy	Hearing continued to 8/7/92.
8-14-91	Williamsburg, City of	Administrative Order	WW	Hansen	Amended order issued. City requests dismissal.
8-23-91	Wally's Paint Shop	Administrative Order	AQ	Preziosi	Hearing continued to 7/7/92. Settlement close.
8-29-91	Iowa Southern Utilities	Certificate to Construct	AQ	Preziosi	Written testimony filed.
9-04-91	Duane Arnold Energy Center	Permit Condition	WW	Hansen	Information received 3/16/92; under review by EPD.
9-16-91	Monona Co. SLF Agency	Administrative Order	SW	Kennedy	Hearing set for 9/10/92.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	WS section comment letter sent 6/16/92.
10-02-91	IBP, inc. - Storm Lake	Permit Conditions	WW	Hansen	Negotiating before filing.
10-30-91	West Liberty, City of	Permit Conditions	WW	Hansen	Negotiating before filing; under review by EPD.
11-07-91	Casey's General Store (Redfield)	Administrative Order	UT	Wornson	Informal hearing held.
11-14-91	Ossian, Inc.	Permit Denial	AQ	Preziosi	Hearing set for 10/13/92.

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11-15-91	Highland Golf Club, Inc.	Administrative Order	UT	Wornson	Closure completed-negotiating penalty.
12-03-91	State Central Bank	Administrative Order	UT	Wornson	Settlement agreed upon; final letter sent.
12-05-91	Tower Club	Administrative Order	WS	Hansen	Report submitted to EPC/under review by WS.
12-09-91	Robert Dean	Administrative Order	SW	Kennedy	Settled.
12-31-91	Linden Water Supply	Administrative Order	WS	Hansen	Letter sent to City Attorney 7/22/92.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	Preliminary engineering report under review by WS.
1-13-92	Ames, City of	Administrative Order	SW	Kennedy	Settled.
1-13-92	Village Creek Bible Camp/Retreat	Administrative Order	WS	Hansen	As-built constr. application under review by WS.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Ltr. received 7/28/92 regarding compliance.
1-21-92	Dell Oil, Ltd.	Administrative Order	HC	Wornson	Briefs submitted.
1-24-92	West Liberty Oil Co.	Administrative Order	UT	Wornson	Settlement proposal accepted.
1-27-92	Heartland Lysine, Inc.	Tax Certification Denial	WW	Murphy	Negotiating before filing.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-14-92	Ossian Chemical, Inc.	Administrative Order	AQ	Preziosi	Hearing continued.
2-20-92	Farmland Foods, Inc.	Administrative Order	WW	Hansen	Appeal withdrawn. Penalty to be paid.
2-25-92	Wordstrom Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Negotiating before filing.
3-09-92	Iowa Power, Inc.- Council Bluffs	Permit Condition	WW	Hansen	Addtl. data received; under review by EPD.
3-11-92	Bernard Sadler and Ger-Mar Farms, Inc.	Administrative Order	SW	Kennedy	Negotiating before filing.
3-12-92	Farmers Cooperative Elevator - Martelle	Administrative Order	HC	Murphy	Negotiating before filing.
3-23-92	Partners-Four Investments-Rockwell	Administrative Order	UT	Wornson	Negotiating before filing-penalty only.
3-23-92	Partners-Four Investments-Marble Rock	Administrative Order	UT	Wornson	Negotiating before filing-penalty only.
3-30-92	White Consolidated Industries, Inc.	Administrative order	WW	Hansen	Negotiating before filing.
4-01-92	Occidental Chemical Corp.	Administrative Order	SW	Kennedy	Negotiating before filing.
4-01-92	Rocky Nook Resort	Administrative Order	WS	Hansen	Sent to DIA.
4-03-92	Charles P. Schafer; Stringtown Properties, et. al.	Administrative Order	UT	Wornson	Informal settlement requested.
4-06-92	Community Cooperative Oil Co. - Marcus	Administrative Order	UT	Wornson	Negotiating before filing.

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4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing set for 9/3/92.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-13-92	Stringtown Country Cafe	Administrative Order	WS	Hansen	Emergency AO issued supplementing 2nd emergency AO.
4-13-92	Joslin Enterprises, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
4-14-92	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	Closure complete. Negotiating penalty.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing.
4-16-92	Swaledale, City of	Administrative Order	WS	Hansen	Negotiating before filing.
4-17-92	John M. Staub d/b/a Mr. Convenient	Administrative Order	UT	Wornson	Negotiating before filing-penalty only.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Lincoln Farm & Home Service	Administrative Order	WW	Murphy	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-14-92	Eagle Window & Door, Inc.	Permit Condition	AQ	Preziosi	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-19-92	Twin Valley Lakes Improvement Assn.	Administrative Order	WS	Kennedy	Negotiating before filing.
5-21-92	National By-Products, Inc.	Tax Certification	WW	Hansen	Appeal withdrawn.
5-26-92	First Community National Bank (Stringtown Properties-Lenox)	Administrative Order	UT	Wornson	Compliance initiated.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Requesting documents.
6-05-92	Wilson Foods	Permit Denial	AQ	Preziosi	Negotiating before filing.
6-15-92	Country Estates MHP	Administrative Order	WS	Clark	Negotiating before filing.
6-15-92	Rockford Golf & Country Club	Administrative Order	WS	Clark	Negotiating before filing.
6-18-92	William W. Lindgren	Permit Issuance	FP	Clark	Hearing set for 9/15/92.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
6-24-92	Karl Ludwig	Administrative Order	UT	Wornson	Negotiating before filing.
6-26-92	Waste Systems Corp. and Robert Roth d/b/a Winnebago County Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Richard A. Newman	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WW	Murphy	Negotiating before filing.
7-15-92	Gerks Seasonal MHP and Resort	Administrative Order	WS	Hansen	Negotiating before filing.
7-24-92	LaVerne Rehder	Administrative Order	UT	Wornson	New case.
7-28-92	Xenia Rural Water District (East)	Administrative Order	WS	Hansen	Negotiating before filing.

Chairperson Hartsuck asked if the Attorney General's Office is initiating a lot of actions in the environmental field.

Mr. Stokes responded that the "E-Team", a special criminal unit of the Attorney General's Office, has been actively pursuing a number of cases. Several of these cases were recently resolved through guilty pleas. Mr. Stokes stated that staff anticipates having Kathleen Deal, head of the E-Team Unit, attend an upcoming Commission meeting to provide an update on how they are doing in regards to the environmental cases.

INFORMATIONAL ONLY

GRIMES YARD WASTE COMPOST FACILITY PERMIT UPDATE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Mr. Stokes reviewed rules and regulations governing the permitting of composting facilities. He reiterated that the legislature required an Economic Impact Statement be submitted for facilities such as the proposed Grimes Yard Waste Composting Facility. The Metropolitan Waste Agency has submitted the EIS. The legislation does not empower the department to consider socio-economic impacts or provide guidance on what the department is to do with the Economic Impact Statement once submitted. Mr. Stokes noted that the department has to be sure the facility is run in a proper fashion. He stated that the EIS determined from previous studies which had been done in other parts of the country that there were no known adverse impacts in terms of devalued property. He added that the department is prepared to issue a permit to this facility.

Larry Wilson, Director, stated that he received a letter Friday afternoon from Terree Caldwell-Johnson, Director of the Des Moines Metropolitan Area Solid Waste Agency, and she phoned this morning to ask that the letter be read into the record. The letter dated August 13, 1992 was read as follows:

TO: Chairman and Members of the Environmental Protection Commission

On behalf of the Board of Directors of the Des Moines Metropolitan Area Solid Waste Agency, I have been asked to write regarding the Agency's concern relative to the Commission's role in the issuance of the Grimes Yard Waste Compost Facility permit. Specifically, it appears that the Commission directed staff to withhold approval of the permit until after July 1 of this year and the Commission then directed staff to require the Agency to spend additional funds to obtain an Economic Impact Statement. Minutes of the June Commission meeting indicate that this action was taken by the Commission after a state politician and area property owners requested the delay. The Agency was not

notified that the Commission was contemplating such an action nor was it listed on the Commission's Agenda prior to the meeting.

The Agency has now learned that the Commission has subsequently directed staff to report to them regarding the status of this permit. As you may know, the Agency applied for the permit in May of 1990 and has been awaiting approval since that time.

The Des Moines Metropolitan Area Solid Waste Agency believes that the issuance of its permit has been influenced by political pressures and special interests. The Iowa Department of Natural Resources' staff and the Commission have required the Agency to comply with requests and undergo scrutiny, testing, and delays that no other solid waste management facility in the state has been required to undertake. We believe this constitutes a permitting process different for the Agency than any other entity in the State of Iowa.

The Agency wishes the Commission to know that it objects to the insertion of additional requirements imposed on the Agency that were the result of political pressures and were not authorized by either the Iowa Department of Natural Resources or the Iowa Code at the time of our permit application. The Agency hereby requests that its permit be processed pursuant to the Department's rules without further delay or outside interference.

Chairperson Hartsuck stated that the Commission has allowed everyone who wanted to have their say on this issue to do so, and now it is time to go ahead with the normal permitting procedure

Clark Yeager commented that he is surprised that the people who are going to have the facility right in their midst do not have any recourse other than to go through the court system.

Mr. Stokes stated that this situation is not unusual as it is the way it is in almost all of the rules and regulations and laws of the state. He noted that there is not a provision in solid waste rules to allow other aggrieved parties an opportunity to appeal to the Commission, the issuance or denial of a permit. It gives appeal rights to the permit applicant.

William Ehm commented that he is concerned with the investment Iowa has put into Environmental Technologies through a DNR grant. He related that he does not know how much yard waste it takes to keep a facility of their size going and whether or not it will cause problems for them to stay operational.

Brief discussion followed regarding fee structures and regionalization for these types of facilities.

INFORMATIONAL ONLY

STATE NONPOINT SOURCE POLLUTION MANAGEMENT PLAN

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the revised State Nonpoint Source Management Plan. This revision has been required by the Environmental Protection Agency and is necessary for Iowa to remain eligible for funding under Section 319 (h) of the Clean Water Act for non point source pollution control activities and programs. Commission members were previously provided with a draft copy of the revised Plan.

The revised State Nonpoint Source Management Plan updates the descriptions and status of ongoing NPS programs within Iowa and includes a new plan element to address non-agricultural sources of non point source pollution such as urban runoff.

The draft plan was sent to a number of state and federal agencies, agricultural commodity organizations, and municipal, industrial and environmental organizations for comments. A news release was also issued June 12 to over 220 medial contacts to inform the public that the plan was available for public comment.

Comments were received from four state agencies, one federal agency, and one municipal official. The comments included suggestions for providing additional detail on the ongoing programs described in Chapter 2 and for improving the readability of the document but did not suggest substantive changes to the proposed management strategy as set forth in Chapter 3. The suggested changes were incorporated into the document.

If the Commission approves the revised management plan, it will be submitted to the EPA Region VII office for approval.

(A copy of the State Nonpoint Source Pollution Management Plan is on file in the department's Records Center)

Mr. Stokes gave an explanation of the comments received at the public hearings.

<i>Motion was made by William Ehm to approve the State Nonpoint Source Pollution Management Plan. Seconded by Verlon Britt. Motion carried unanimously.</i>

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 62, EFFLUENT AND PRETREATMENT STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is asked to approve revisions to Chapters 60 and 62 of the rules that adopt, by reference, the federal effluent and pre treatment standards applicable to industrial dischargers. The purpose of this rule making is to update references in rules 62.4 (455B) and 62.55 (455B) to federal effluent and pre treatment standards which need to be changed due to federal amendments and revisions. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 1992. The commission is being asked to adopt these rules without public notice and participation. Adoption of federal effluent and pre treatment standards by reference, without public notice, is specifically provided for by rule 62.2 (455B) and Iowa Code section 17A.4(1). Because the commission must adopt effluent and pre treatment standards at least as stringent as the federal standards in order to continue to have EPA approval of the NPDES program, and the Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rule making is unnecessary.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Emergency Adopted Rule

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission amends 567--Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," and 567--Chapter 60, "Scope of Title -Definitions - Forms - Rules of Practice." Iowa Administrative Code.

The purpose of this rule making is to update references in rules 62.4(455B) and 62.5(455B) to federal effluent and pretreatment standards found in 40 Code of Federal Regulations (CFR) which need to be changed due to federal amendments and revisions to 40 CFR. The change to rule 60.2(455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 1992.

In accordance with Iowa Code section 17A.4(2), the commission finds that public notice and participation are unnecessary. Under rule 62.2(455B) the commission has determined previously that good cause exists for exempting from the notice and public participation requirements of Iowa Code section 17A.4(1) the adoption by reference of certain federal effluent and pretreatment standards. The commission found that public participation is unnecessary since the commission must adopt effluent and pretreatment standards at least as stringent as the enumerated promulgated federal standards in order to have continued approval by the federal Environmental Protection Agency of the department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the commission not be more stringent than the enumerated promulgated federal standards.

The commission adopted these rule amendments on August 17, 1992. The amendments will become effective on October 21, 1992.

These rules may have an impact upon small businesses.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I.

ITEM 1. Amend rule 567--60.2 to read as follows:

567--60.2(455B) Definitions. The following definitions apply to this title, unless otherwise specified in the particular chapter of this title:

"Act" means the Federal Water Pollution Control Act as amended through ~~December 31, 1990~~ July 1, 1992, 33 U.S.C. §1251 et seq.

ITEM 2. Amend rule 567--62.4(455B) to read as follows:

567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, ~~1990~~ 1992, are applicable to the following categories:

ITEM 3. Amend subrule 62.4(3) as follows:

62.4(3) General pretreatment regulations for existing and new sources of pollution. The following is adopted by reference: 40 CFR 403 ~~as amended on July 24, 1990 (55 FR 30082)~~.

ITEM 4. Amend subrule 62.4(14) as follows:

62.4(3) Organic chemicals, plastics and synthetic fibers point source category. The following is adopted by reference: 40 CFR part 414 ~~as amended on June 29, 1990 (55 FR 30082)~~.

ITEM 5. Amend rule 567--62.5(455B) to read as follows:

567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, ~~1990~~ 1992.

Date

Larry J. Wilson, Director

Mr. Stokes explained why it is not necessary to go to public notice and hearing with these rules.

Motion was made by Rozanne King to approve Final Rule--Chapter 62, Effluent and Pretreatment Standards. Seconded by Chalotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 82, WELL CONTRACTOR CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission is requested to approve the Notice Of Intended Action for the proposed rules on Well Contractor Certification. The rules are a result of legislation passed last year that required the department to certify well contractors and that all well services provided after July 1, 1993, must be performed by a certified well contractor. The definition of well contractor includes pump installers. The rules have been developed in consultation with the Well Contractor Council, a seven member council established in the legislation. Key components of the proposed rules are (1) the requirement to be certified by July 1, 1993, (2) two years of experience, (3) renewal of the certificate every two years with the initial certification period of three years, (4) certification fee of \$150 per year as required by the statute, (5) procedures for taking disciplinary action.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 445B.105, the Environmental Protection Commission proposes to create a new Chapter 82, "Well Contractor Certification".

The proposed chapter is designed to implement 1991 Iowa Acts, Chapter 224, which requires the Department to establish a well contractor certification program. This legislation requires that the current well contractor registration program (567 - Chapter 37) be replaced with the new certification program on July 1, 1993. The Commission intends to pursue a separate rule making procedure to rescind Chapter 37, and to make other modifications necessary to accomplish this program replacement, at a time closer to July 1, 1993. However, this rule making proceeding is necessary, at this time, to provide well contractors with the opportunity to become certified by July 1, 1993.

Any interested person may file written suggestions or comments on the proposed chapter on or before October 16, 1992. Such written materials should be directed to Darrell McAllister, Surface and Groundwater Protection Bureau, Department of Natural Resources, 900 E. Grand, Des Moines, IA 50319; FAX (515)281-8869. Persons who wish to convey their views orally should contact Darrell McAllister at (515)281-8869 by that date.

Persons are also invited to present oral or written comments at the public hearing on October 6, 1992 at the fifth floor conference room, Wallace Building in Des Moines. Those participating will be asked to provide their names and addresses, and to confine their remarks to the subject of the rules.

These rules are intended to implement 1991 Iowa Code Supplement section 455B.190A.

The following chapter is proposed.

CHAPTER 82 WELL CONTRACTOR CERTIFICATION

567 -82.1(455B) Definitions. In addition to the definitions in Iowa Code sections 455B.171 and 455B.190 and 1991 Iowa Code Supplement section 455B.190A, which are hereby adopted by reference, the following definitions shall apply to this chapter.

"Classification" means one of three levels of well contractor certification, designated as either well contractor, pump installer or provisional certified well contractor. All three are referred to as certified well contractor in the following rules unless specifically identified otherwise.

"Continuing education unit (CEU)" means ten contact hours of participation in an organized education experience under responsible sponsorship, capable direction, and qualified instruction.

"Direct charge" means the well contractor at the well site responsible for assuring that the well services are performed as required in 567 - Chapters 38, 39, 43, 49 and 110.

"Water well" means any excavation that is drilled, cored, bored, augured, washed, driven, dug, jetted, or other wise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer. "Water well" does not include an open ditch, or drain tiles or an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried.

"Well services" means new well construction, well reconstruction, installation of pitless equipment, or well plugging.

567-82.2(455B) General.

82.2(1) Any well services provided on or after July 1, 1993 shall be performed by a well contractor who has been certified by the department pursuant to this chapter.

82.2(2) Certified well contractors certified as well contractors and provisional certified well contractors are limited to providing new well construction, well reconstruction, and well plugging services. Certified well contractors certified as pump installers are limited to

providing installation of pitless equipment and well plugging services. To provide all well services a certified well contractor shall be certified as both a well contractor or provisional certified well contractor, and a pump installer.

82.2(3) A certified well contractor shall be present at the well site and in direct charge of the well services being performed or provided.

82.2(4) Any person who is responsible for providing well services shall be certified.

82.2(5) A certified well contractor currently certified, may obtain a duplicate certificate upon payment of the same fee as required for renewal of a certificate.

82.2(6) RESERVED

82.2(7) RESERVED

82.2(8) Any certified well contractor who possesses a certificate must report to the department a change in address within 30 days after the change.

82.2(9) RESERVED

567- 82.3(455B) Classification of well contractors.

82.3(1) Classifications. There shall be three classifications of certified well contractors. One is the well contractor, one is pump installer and the other is provisional certified well contractor.

82.3(2) A certified well contractor has met all of the education and experience requirements, has successfully completed the well contractor certification test and has been issued a certificate by the department.

82.3(3) A provisional certified well contractor does not meet all the education or experience requirements for a certified well contractor but does meet the following requirements:

a. Signs a statement on the application form that there is a shortage of certified well contractors in the geographical area of the state in which the well contractor desires to operate;

b. Completes and submits an application documenting at least one year of work experience in well services performed under the direct supervision of a certified well contractor;

c. The application includes a signature of a certified well contractor who employs the applicant for provisional certification. By signing the application the certified well

contractor certifies to be jointly liable for violations of the rules regarding well construction, maintenance, or plugging by the provisionally certified well contractor and that the violation is grounds for suspension or revocation of the certification of the certified well contractor and the provisionally certified well contractor; and

d. Successfully completes the examination.

82.3(3) The provisional certified well contractor shall become a certified well contractor after the provisional certified well contractor submits an application and appropriate fees to the department showing all requirements for the certified well contractor classification have been met. The certificate for a provisional certified well contractor will be issued for one year. The department will issue a well contractor certificate after the one year period and receipt of appropriate fees.

567- 82.4(455B) RESERVED

567 -82.5(455B) RESERVED

567- 82.6(455B) Education and experience requirements.

82.6(1) All applicants shall meet the education and experience requirements as shown below.

CLASSIFICATION	EXPERIENCE	EDUCATION
WELL CONTRACTOR	TWO YEARS	HIGH SCHOOL or GED
PUMP INSTALLER	TWO YEARS	HIGH SCHOOL or GED
PROVISIONAL CERTIFIED WELL CONTRACTOR	ONE YEAR	HIGH SCHOOL or GED

82.6(2) The education requirements do not become effective until July 1, 1998.

82.6(3) RESERVED

82.6(4) RESERVED

567-82.7(455B) Fees.

82.7(1) The examination fee for each examination shall be \$50.

82.7(2) The initial certification fee shall be \$75 for each one-half year or partial one-half year from the date of issuance to June 30, 1996. After July 1, 1996 the certification fee shall

be \$75 for each one-half year of a two-year period from the date of issuance to June 30 of even-numbered years.

82.7(3) The penalty fee shall be \$100.

82.7(4) The certification renewal fee shall be \$100.

567-82.8(455B) Examinations.

82.8(1) All persons wishing to take the examination required to become a certified water well contractor shall complete the "Water Well Contractor Certification Examination Application," Form 43970. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate educational background, training and past experience in providing well services. The completed application and the application fee shall be sent to the director and addressed to the department in Des Moines. Application for examination must be received by the department at least 30 days prior to the date of examination.

82.8(2) The director shall designate department personnel to evaluate all applications for examination, certification and renewal of certification. The director will review applications when it is indicated the applicant has falsified information or when questions arise concerning an applicant's qualifications of eligibility for examination or certification.

82.8(3) A properly completed application for examination will be valid for one year from the date the application is approved by the department.

82.8(4) An applicant who does not qualify for examination at the time of application will have the examination fee refunded if the applicant cannot qualify for examination within one year. If the applicant will qualify for a scheduled examination within one year the applicant will be notified when the examination may be taken and the fee will not be refunded.

82.8(5) Upon failure of the first examination, the applicant may be reexamined at the next two scheduled examinations. Upon failure of the third examination, the applicant shall be required to wait a period of 90 days between each subsequent examination.

82.8(6) Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee at least ten days prior to the date of examination.

82.8(7) Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

82.8(8) Completed examinations will be retained by the director for a period of one year after which they will be destroyed.

82.8(9) Oral examinations.

a. Upon written request by an applicant for certification, the director will consider the presentation of an oral examination on an individual basis when: the applicant has failed the written examination at least three times; the applicant has shown difficulty in reading or understanding written questions but may be able to respond in oral questioning; the applicant is capable of communicating in writing with regard to departmental requirements and inquiries; and the director has received a written recommendation for an oral examination from a department staff member attesting to the operational and performance capabilities of the applicant. The director shall designate department personnel to administer the examination.

b. The exam shall contain practical questions pertaining to groundwater law, well construction, well maintenance, and well abandonment.

567-82.9(455B) Certification.

82.9(1) All applicants for certification shall successfully complete and pass an examination prior to receiving certification.

82.9(2) Application for certification must be received by the department within 30 days of the date the applicant receives notification of successful completion of the examination. All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

82.9(3) Applications for certification by examination which are received more than 30 days but less than 60 days after notification of successful completion of the examination shall be accompanied by the certification fee and the penalty fee. Applicants who do not apply for certification within 60 days' notice of successful completion of the examination will not be certified on the basis of that examination.

82.9(4) Applicants may appeal a denial of certification pursuant to Chapter 7.

82.9(5) RESERVED.

82.9(6) RESERVED.

567-82.10(455B) Renewals.

82.10(1) Renewal period. All certificates shall expire on June 30 of even-numbered years and must be renewed every two years in order to maintain certification. However the first certification period shall be for three years starting July 1, 1993 and ending June 30, 1996.

82.10(2) Application for renewal will be mailed to all certified well contractors two months prior to the expiration date of their certificates. Application for renewal must be made in accordance with this rule and the instructions on the form in order to renew the certificate for the next two years. Application for renewal of a certificate without penalty must be received by the director or postmarked prior to the expiration of the certificate, and shall be accompanied by the certification renewal fee.

82.10(3) Late application for renewal of a certificate may be made provided that such late application shall be received by the director or postmarked within 30 days of the expiration of the certificate, on forms provided by the department. Such late application shall be accompanied by the penalty fee and the certification renewal fee.

82.10(4) If a certificate holder fails to renew within 30 days following expiration of the certificate, the right to renew the certificate automatically terminates. Certification may be allowed at any time following such termination, provided that the applicant successfully completes an examination. The applicant must then apply for certification in accordance with 82.9(455B).

82.10(5) A certified well contractor may not continue to provide well services after expiration of a certificate without renewal thereof.

82.10(6) Continuing education must be earned during two-year periods beginning on April 1, 1994, and April 1 of even-numbered years thereafter. A certified well contractor must earn two units or twenty contact hours during each two-year period. Newly certified well contractors (previously uncertified) who became certified after April 1 of a two-year period will not be required to earn CEU's until the next two-year period.

82.10(7) Beginning July 1, 1994, and succeeding even-numbered years, only those certified well contractors fulfilling the continuing education requirements before the end of each two-year period (March 31) will be allowed to renew their certificate. The certificate of certified well contractors not fulfilling the continuing education requirements shall expire on June 30 of the applicable biennium.

82.10(8) All activities for which continuing education credit will be granted must be approved by the department, college or university and shall be related to well services, relevant aspects of Iowa groundwater law, well construction, well maintenance, and well abandonment practices which protect groundwater and water supplies.

82.10(9) The director may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to three months within which to fulfill the minimum continuing education requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified well contractor which prevent attendance at the required activities. All requests for extensions must be made prior to March 31 of each biennium.

82.10(10) It is the certified well contractor's responsibility to notify the department of the continuing education credit earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

82.10(11) A certified well contractor shall be deemed to have complied with the continuing education requirements of this rule during periods that the certified well contractor serves honorably on active duty in the military services, or for periods that the certified well contractor is a resident of another state or district having a continuing education requirement for certified well contractors and meets all the requirements of that state

or district for practice there, or for periods that the person is a government employee working as a well contractor and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the director.

567-82.12(455B) Certified Well Contractor Obligations

82.12(1) Submission of records and samples. Each certified well contractor shall submit drilling records and drill cutting samples to the Geological Survey Bureau, Department of Natural Resources, Oakdale Campus, University of Iowa, Iowa City, Iowa 52242 (319)338-1173 as follows:

a. Within 30 days of completion of any water well used as part of a public water supply, well used for withdrawal of water for which a permit is required by rule 50.1(455B) or wells used to monitor groundwater quantity or quality required by the department if so directed by the Geological Survey Bureau, Department of Natural Resources. The certified well contractor must submit the drilling records and samples required by subrule 82.12(2) and (3).

b. Within 30 days of the completion of any water well used as part of a nonpublic water supply or other water wells used to access groundwater.

c. Prior to constructing a water well to be used as part of a nonpublic water supply or other water well used to access groundwater, the certified well contractor must contact the local health department in the county in which the water well is to be located to determine if submittal of drill cutting samples is required.

82.12(2) Drilling Records and Samples. Drilling records and drilling cutting samples must be submitted in the water well driller's notebook and drill cutting sample bags provided by the Geological Survey Bureau, Department of Natural Resources.

82.12(3) Water well log. The water well driller's log shall include the following:

a. Location and legal description (quarter section, section number, township, range and county).

- b. Reference point for all depth measurements.
 - c. Depth at which each significant change of formation occurs.
 - d. Depth at which pump is set, the nonpumping and pumping water levels in the well measured from the land surface and the rate and duration the well was pumped.
 - e. Identification of the material of which each significant stratum is composed.
 - f. Depth at which hole diameters (bit sizes) change.
 - g. Normal hole diameter of the well bore.
 - h. Total depth of the completed hole.
 - i. Depth or location of any lost drilling fluids, drilling materials, or tools.
 - j. Casing depth, grouting schedule including materials used and method of placement, description of the well casing and liner pipe.
 - k. Description of well screens including diameter, length, material slot sizes, amount of open area, and location in well.
-

- l. Description of physical and chemical well development activities.

82.12(4) Cutting samples. Drilling cutting samples shall be collected at intervals of five feet and at each pronounced change in geological formation.

82.12(5) Test pumping. Certified well contractors shall provide the requested test pumping data for water wells used as part of a public water supply pursuant to subrule 41.12(2) and for water wells utilized as part of a regulated water use pursuant to subrule 50.6(1).

567- 82.13(455B) Discipline of certified well contractors.

82.13(1) Disciplinary action may be taken against a certified well contractor on any of the grounds specified in 1991 Iowa Code Supplement section 455B.190A, and the following more specific grounds.

- a. knowingly making any false statement, representation, or certification on any application, record, report or document required to be maintained or submitted under any applicable permit or rule of the department.

- b. failure to renew certification.

- c. failure to obtain required continuing education units.
- d. failure to submit required records or other reports required under applicable permits or rules of the department; including failure to submit complete records or reports.
- e. failure to use reasonable care or judgement or to apply knowledge or ability in performing the duties of a certified well contractor.
- f. violation of well construction standards or other requirements contained in 567 - Chapters 38, 39, 48, 49, and 110.
- g. failure to advise a person for whom a water well is being drilled or pump installed that a hazardous or potentially hazardous condition has been encountered.
- h. knowingly causing or allowing a hazardous or potentially hazardous condition due to well construction or pump installation to exist.

82.13(2) Disciplinary sanctions allowable are:

a. Revocation of a certificate.

- b. Revocation or suspension of the practice of a particular aspect of the contractors responsibility.
- c. Probation under specified conditions relevant to the specific grounds for disciplinary action. Additional education or training, or reexamination may be required as a condition of probation.

82.13(3) Procedure.

- a. The director shall initiate disciplinary action. The commission may direct that the director investigate any alleged factual situation that may be grounds for disciplinary action under 82.13(1), and report the results of the investigation to the commission.
- b. A disciplinary action may be prosecuted by the director.
- c. Written notice by certified mail shall be given to a certified well contractor against whom disciplinary action is being considered, at least 20 days in advance, that an informal hearing before the commission at a specific date, time and place has been scheduled for the certified well contractor, at which the commission will determine whether a formal hearing is warranted or whether informal resolution can be reached. The certified well contractor may present any relevant facts and indicate the certified well contractor's position in the matter.

d. A certified well contractor who receives notice of informal hearing shall communicate verbally or in writing or in person with the director and efforts shall be made to clarify the respective positions of the certified well contractor and director. The staff may then come with a recommendation to the commission at the informal hearing concerning disciplinary sanction.

e. Failure to attend the informal hearing or otherwise communicate facts and position relevant to the matter by the scheduled date will be considered by the commission when determining whether a formal hearing is warranted.

f. If agreement as to appropriate disciplinary sanction, if any, can be reached with the certified well contractor and the commission concurs, a written stipulation and settlement between the department and the certified well contractor shall be entered. The stipulation and settlement shall recite the basic facts and violations alleged, any facts brought forth by the certified well contractor and the reasons for the particular sanctions imposed.

g. If the commission determines that no disciplinary action is warranted on the facts asserted, the certified well contractor shall be notified of the decision in writing.

h. If the commission determines that an opportunity for formal hearing is required to impose any disciplinary sanction specified in 82.13(2), the director shall proceed in accordance with chapter 7.

567- 82.14(455B,258A) Revocation of certificates.

Upon revocation of a certificate in accordance with the authority provided in 1991 Iowa Code Supplement section 455B.190A, application for certification may be allowed after two (2) years from the date of revocation. Any such applicant must successfully complete an examination and be certified in the same manner as a new applicant.

These rules are intended to implement Iowa Code section 455B.187 and 1991 Iowa Code Supplement section 455B.190A.

Date

Larry J. Wilson, Director

Mr. Stokes gave an explanation of the rules.

Brief discussion followed.

Gary Priebe asked if there has to be a certified well driller at the site at all times.

Mr. Stokes noted that according to Page 2, under 82.2(3) of the rule, it states that a certified well contractor shall be present at the well site and in direct charge of the well services being performed or provided.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 82, Well Contractor Certification. Seconded by Clark Yeager. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTERS 20, 22, 23, 24, 25 & 29, AIR QUALITY RULE AMENDMENTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the Notice of Intended Action for modifications to the Air Quality rules. The proposed changes include incorporating changes to federal regulations, making the rules consistent with EPA regulations and policies, updating the "Compliance Sampling Manual" and other rule provisions and correcting errors in the rules.

A copy of the Notice is attached.

The proposed rules were presented at the July Commission meeting as an informational item.

A copy of the Compliance Sampling Manual is on file in the department's Records Center.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission proposes to adopt amendments to 567--Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice;" Chapter 22, "Controlling Pollution;" Chapter 23, "Emission Standards for Contaminants;" Chapter 24, "Excess Emission;" Chapter 25, "Measurement of Emissions;" and Chapter 29, "Qualification in Visual Determination of the Opacity of Emissions."

The Commission proposes to amend Chapter 20 by adding definitions for ambient air, one-hour period and six-minute period, deleting the definition of Ringelmann chart, and adding

a reference to Chapter 29 in the definition of opacity. Also, one new restriction on issuance of construction permits is proposed.

These proposed rules reflect minor changes to federal Prevention of Significant Deterioration regulations, listing of attainment status designations for Iowa, and state and federal sampling methods (items 4, 5, 6, and 14). The method for visually determining opacity and specifications for a qualified observer are changed to the federal methodology. The only significant difference in the methodology being replaced and the federal methodology is a valid opacity reading consisting of six minutes versus eight minutes of readings (item 18).

References to outdated air dispersion models and the archaic usage of the Ringelmann chart are proposed to be changed. Some spelling and other errors are corrected.

These proposed rules adopt by reference recent changes to the federal new source performance standards (40 CFR Part 60) and new standards applicable to new sources at the following types of facilities: synthetic chemical manufacturing industry air oxidation unit processes, synthetic organic chemical manufacturing industry distillation operations, small industrial-commercial-institutional steam generating units, polymer manufacturing, and municipal waste combustors. Each standard of performance establishes allowable emission limitations that reflect the degree of emission limitation which is achievable through the application of the best technological system of continuous emission reduction. These regulations apply only to "new sources", that is, sources, the construction or modification of which is commenced after the proposal date of the individual regulation.

These proposed rules adopt by reference recent changes to the federal emission standards for hazardous air pollutants (40 CFR Part 61). These standards apply to new and existing sources. These reflect changes to standards, monitoring, reporting, recordkeeping requirements and testing methods.

A requirement that asphalt roofing and asbestos-containing materials be removed from structures used in training fires is added to the training fire exemption. This change makes the exemption consistent with the asbestos National Emission Standard for Hazardous Air Pollutants.

The averaging period for sulfur dioxide emission limitations is changed from two hours to three hours to be consistent with protection of the three-hour sulfur dioxide National Ambient Air Quality Standard.

The emission testing requirements of Chapter 25 are clarified, and the "Compliance Sampling Manual" has been updated. The prior written notice to the Department is being extended from fifteen to thirty days. A summary of changes to the "Compliance Sampling Manual" includes

INTRODUCTION

Updated references to Department rules

	Correction of citation of the definition of particulate matter Updated Department mailing address
CHAPTER 1 inch test ports	Updated references to Department rules Added a reference to PM10 testing including the need for six-
CHAPTER 2 for sample in the manual)	Added a paragraph describing the requirement for glass liners probe(this has always been required but had not been included
CHAPTER 3 consistent with pressure readings	Section on number of sampling ports was changed to be federal methodology; Updated diagrams Added discussion of use of magnehelic gauges for velocity
CHAPTER 4 letter	Updated references to Department rules Added requirement to list plant contact person in notification
alternative to using Orsat rate calculation	Deleted discussion of purging with nitrogen Added discussion of federal reference method 3A as Added use of F factor calculations as a method of emission Added use of Fyrites in limited circumstances
CHAPTER 5 methods	Rewritten for clarity and to reflect changes in federal test Added requirement for audit samples
APPENDIX B calibration	Added alternative of use of 0.84 value in pitot tube

These rules may impact small businesses.

The Department will conduct three public hearings to receive comments on these proposed rule amendments. They will be held at the following times and places: at 1 p.m. on October 21, 1992, in the Fifth Floor Conference Room, Wallace State Office Building, 900 East Grand, Des Moines, Iowa; at 11 a.m. on October 20, 1992, in Room M118, University of Iowa, Oakdale Campus, Oakdale Hall, Oakdale, Iowa (Exit 240, I-80 to Highway 965); and at 11 a.m. on October 22, 1992, in the Meeting Room, Atlantic Municipal Utilities, 15 West Third, Atlantic, Iowa.

Persons wishing to make written suggestions or comments concerning this proposal should submit them to Christine Spackman, Air Quality Section, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, FAX (515)281-8895, through October 22, 1992.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are proposed.

ITEM 1. Amend rule 20.2 by adding the following unnumbered paragraphs in alphabetical order:

"Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access. Ambient air does not include the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers.

"One-hour period" means any 60-minute period commencing on the hour.

"Six-minute period" means any one of the 10 equal parts of a one-hour period.

ITEM 2. Amend rule 20.2 by modifying the definition of opacity and deleting the following unnumbered paragraph beginning with "Ringelmann chart."

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background (See Chapter 29).

~~"Ringelmann chart" means the chart published and described in Information Circular 8333, Bureau of Mines, U.S. Department of Interior, and on which are illustrated graduated shades of gray to black to use in estimating the apparent density of smoke from combustion stacks.~~

ITEM 3. Amend subrule 22.3(1) as follows:

Stationary sources other than anaerobic lagoons. In no case shall a construction permit or conditional permit, which results in an increase in emissions, be issued to any facility which is in violation of any condition found in a permit involving PSD, NSPS, NESHAP or a provision of the Iowa State Implementation Plan. If the violation has been addressed by an order or permit condition, the department may consider issuance of a construction permit or conditional permit. A construction or conditional permit shall be issued when the director concludes:

a. That the required plans and specifications represent equipment which reasonably can be expected to comply with all applicable emission standards, and

b. That the expected emissions from the proposed source or modification in conjunction with all other emissions will not prevent the attainment or maintenance of the ambient air quality standards specified in Chapter 28, and

c. That the applicant has not relied on emission limits based on stack height that exceeds good engineering practice or any other dispersion techniques as defined in 567--23.1(4).

d. That the applicant has met all other applicable requirements.

ITEM 4. Amend rule 22.4 as follows:

Special requirements for major stationary sources in areas designated attainment or unclassified (PSD). Except as provided in subrule 22.4(1), the following federal regulations pertaining to the prevention of significant deterioration are adopted by reference, 40 C.F.R. subsection 52.21 as amended through ~~October 17, 1988~~ February 3, 1992.

ITEM 5. Amend paragraph 22.5(2) "a" as follows:

Primary standard particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for a primary particulate matter standard in 40 CFR §81.316 (as amended through ~~May 1, 1985~~ November 6, 1991), then emission offsets must be achieved prior to startup.

If a major source or major modification is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 CFR §81.316, but the modeled (~~CRSTER, PTMTP or an appropriate optimum~~ EPA approved guideline model) worst case ground level particulate concentrations due to the major source or major modification in a designated primary standard particulate matter nonattainment area is equal to or greater than five (5) micrograms per cubic meter (twenty-four (24)-hour concentration), or one (1) microgram per cubic meter (annual geometric mean), then emission offsets must be achieved prior to startup.

If, after the permit is issued, the area is redesignated in 40 CFR §81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the director shall relieve the applicant of the obligation of implementing the offsets.

ITEM 6. Amend paragraph 22.5(2) "b" as follows:

Secondary standard particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for the secondary particulate matter standard in 40 CFR §81.316 as amended through ~~May 1, 1985~~ November 6, 1991, ~~emissions~~ emissions offsets must be achieved prior to startup if the offsets are reasonably available. If a major source is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 CFR §81.316, but the modeled (~~CRSTER, PTMTP or an appropriate optimum~~ EPA approved guideline model) worst case ground level particulate matter concentrations due to the major source or major modification in a designated secondary standard particulate matter nonattainment area is equal to or greater than five micrograms per cubic meter (twenty-four (24)-hour concentration), emission offsets must be achieved prior to startup if the offsets are reasonably available.

If offsets are determined to be reasonably available, and if after the permit is issued, the area is redesignated in 40 CFR §81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the director shall relieve the applicant of the obligation of implementing the offsets.

ITEM 7. Amend subrule 23.1(2) as follows:

New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or

corrected through ~~December 18, 1989~~ June 10, 1992, are adopted by reference, except 40 CFR §60.300 through 60.304, and 60.530 through 60.539b, and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

Further amend subrule 23.1(2) by adding the following paragraphs:

jjj. VOC emissions from synthetic organic chemical manufacturing industry air oxidation unit processes. Unless exempted, any air oxidation reactor, air oxidation reactor and recovery system or combination of two or more reactors and the common recovery system used in the production of any of the chemicals listed in 40 CFR §60.617 for which construction, modification or reconstruction commenced after October 21, 1983. (Subpart III)

kkk. VOC emissions from synthetic organic chemical manufacturing industry distillation operations. Unless exempted, any distillation unit, distillation unit and recovery system or combination of two or more distillation units and the common recovery system used in the production of any of the chemicals listed in 40 CFR §60.667 for which construction, modification or reconstruction commenced after December 30, 1983. (Subpart NNN)

lll. Small industrial-commercial-institutional steam generating units. Each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989, and that has a maximum design heat input capacity of 100 million Btu per hour or less, but greater than or equal to 10 million Btu per hour. (Subpart Dc)

mmm. VOC emissions from the polymer manufacturing industry. All equipment used in the manufacture of polypropylene and polyethylene; equipment used in the material recovery section of polystyrene manufacturing using a continuous process; equipment used in the polymerization reaction section of poly(ethylene terephthalate) manufacturing using a continuous process; equipment used in the material recovery section of polystyrene manufacturing using a continuous process that uses dimethyl terephthalate; equipment used in the raw material section of polystyrene manufacturing using a continuous process that uses terephthalic acid; and fugitive emissions equipment associated with any process unit in the manufacturing of polypropylene, polyethylene, or polystyrene. The applicability dates for construction, modification or reconstruction for polystyrene and poly(ethylene terephthalate) affected facilities and some polypropylene and polyethylene affected facilities is September 30, 1987. For the other polypropylene and polyethylene affected facilities the applicability date for these regulations is January 10, 1989.

nnn. Municipal waste combustors. Unless exempted, a municipal waste combustor with a capacity greater than 250 tons per day of municipal solid waste or refuse derived fuel for which construction, modification, or reconstruction is commenced after December 20, 1989. (Subpart Ea)

ITEM 8. Amend subrule 23.1(3) as follows:

Emission standards for hazardous air pollutants. The federal standards for emissions of hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended through May

~~2, 1990, March 5, 1992,~~ are adopted by reference, except 40 CFR §61.20 to §61.28, §61.90 to §61.98, §61.100 to §61.108, §61.120 to §61.126, §61.190 to §61.193, §61.200 to §61.200 to §61.205, §61.220 to §61.225, and §61.250 to §61.252, and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 CFR Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C), and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

ITEM 9. Amend paragraph 23.2(3) "g" as follows:

Training fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the director receives notice in writing at least one week before such action commences. All asphalt roofing and asbestos-containing materials shall be removed prior to the training fire.

ITEM 10. Amend the first unnumbered paragraph of paragraph 23.3(2) "d" as follows:

Visible emissions. No person shall allow, cause or permit the emission of visible air contaminants ~~of a density or shade equal to or darker than that designated as Number 2 on the Ringelmann Chart, or in excess of~~ forty percent (40%) opacity into the atmosphere from any equipment, internal combustion engine, premise fire, open fire or stack, except as provided below and in chapter 24.

ITEM 11. Amend subrule 23.3(3) as follows:

~~Sulphur~~ Sulfur compounds. The provisions of this subrule shall apply to any installation from which sulfur compounds are emitted into the atmosphere.

a. Sulfur dioxide from use of solid fuels.

(1) No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere from an existing solid fuel-burning unit, (i.e., a unit which was in operation or for which components had been purchased, or which was under construction prior to September 23, 1970), in an amount greater than 6 pounds, replicated maximum ~~two-hour~~ three-hour average, per million Btu of heat input if such unit is located within the following counties: Black Hawk, Clinton, Des Moines, Dubuque, Jackson, Lee, Linn, Louisa, Muscatine and Scott.

(2) No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere from an existing solid fuel-burning unit, (i.e., a unit which was in operation or for which components had been purchased, or which was under construction prior to September 23, 1970), in an amount greater than 5 pounds, replicated maximum ~~two-hour~~ three-hour average, per million Btu of heat input if such unit is located within the remaining 89 counties of the state not listed in subparagraph 23.3(3) "a"(1).

(3) No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere from any new solid fuel-burning unit (i.e., a unit which was not in operation or for which components had not been purchased, or which was not under construction prior to September 23, 1970) which has a capacity of 250 million BTU or less per hour heat input, in an amount greater than six (6) pounds, replicated maximum ~~two (2)-hour~~ three-hour average, per million BTU of heat input.

(4) Subparagraphs (1) through (3) notwithstanding, a fossil fuel-fired steam generator to which 23.1(2) "a", ~~or 23.1(2) "z" or 23.1(2) "ccc"~~ applies shall comply with 23.1(2) "a", ~~or 23.1(2) "z" or 23.1(2) "ccc" respectively.~~

b. Sulfur dioxide from use of liquid fuels. No person shall allow, cause or permit the emission of sulfur dioxide into the atmosphere in an amount greater than 2.5 pounds of sulfur dioxide, replicated maximum ~~two(2)-hour~~ three-hour average, per million BTU of heat input from a liquid fuel-burning unit. Notwithstanding this paragraph, a fossil fuel-fired steam generator to which 23.1(2) "a", ~~or 23.1(2) "z" or 23.1(2) "ccc"~~ applies shall comply with 23.1(2) "a", ~~or 23.1(2) "z" or 23.1(2) "ccc"~~.

c. Sulfur dioxide from sulfuric acid manufacture. After January 1, 1975, no person shall allow, cause or permit the emission of sulfur dioxide from an existing sulfuric acid manufacturing plant in excess of thirty (30) pounds of sulfur dioxide, maximum ~~two(2)-hour~~ three-hour average, per ton of product calculated as one hundred percent (100%) sulfuric acid.

d. Acid mist from sulfuric acid manufacture. After January 1, 1974, no person shall allow, cause or permit the emission of acid mist calculated as sulfuric acid from an existing sulfuric acid manufacturing plant in excess of 0.5 pounds, maximum ~~two(2)-hour~~ three-hour average, per ton of product calculated as one hundred percent (100%) sulfuric acid.

e. Other processes capable of emitting sulfur dioxide. After January 1, 1974, no person shall allow, cause or permit the emission of sulfur dioxide from any process, other than sulfuric acid manufacture, in excess of 500 parts per million, based on volume. This paragraph shall not apply to devices which have been installed for air pollution abatement purposes where it is demonstrated by the owner of the source that the ambient air quality standards are not being exceeded.

This rule is intended to implement Iowa Code section 455B.133.

ITEM 12. Amend paragraph 23.4(12) "b" as follows:

Visible emissions. No person shall allow, cause or permit the operation of an incinerator in a manner such that it produces visible air contaminants ~~which have an appearance, density or shade equal to or darker than Number 2 on the Ringelmann Chart, or in excess of~~ forty percent (40%) opacity; except that visible air contaminants ~~which have an appearance, density or shade not darker than Number 3 on the Ringelmann Chart, or in excess of~~ sixty percent (60%) opacity, may be emitted for a period or periods aggregating not more than three (3) minutes in any sixty (60)-minute period during an operation breakdown or during the cleaning of air pollution control equipment.

ITEM 13. Amend subrule 24.1(1) as follows:

Excess emission during periods of startup, shutdown, or cleaning of control equipment. Excess emission during a period of startup, shutdown, or cleaning of control equipment is not a violation of the emission standard if the startup, shutdown or cleaning is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions. Cleaning of control equipment which does not require the shutdown of the process equipment shall be limited to ~~a period or periods aggregating not more than six (6) minutes in any sixty (60) minutes~~ one six-minute period per one-hour period.

ITEM 14. Amend rule 24.1 by adding the following new subrule:

24.1(5) Subrules (1) through (4) notwithstanding, a fossil fuel-fired steam generator to which 23.1(2) "a", 23.1(2) "z" or 23.1(2) "ccc" applies shall comply with 23.1(2) "a", 23.1(2) "z" or 23.1(2) "ccc".

ITEM 15. Amend subrule 25.1(7) as follows:

25.1(7) Tests by owner. ~~The owner of new or existing equipment or the owner's authorized agent shall notify the director in writing, not less than fifteen (15) days before a test performed to determine compliance with applicable regulations of chapter 23 or a performance evaluation of any required continuous monitor. Such notice shall include the time, the place, and the name of the person who will conduct the tests. A representative of the department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the director in the form of a comprehensive report.~~ The owner of new or existing equipment or the owner's authorized agent shall conduct emission tests to determine compliance with applicable rules in accordance with these requirements.

a. General - The owner of new or existing equipment or the owner's authorized agent shall notify the director in writing, not less than thirty (30) days before a test or performance evaluation of a continuous emission monitor is performed to determine compliance with applicable requirements of Chapter 23 or a permit condition. Such notice shall include the time, the place, the name of the person who will conduct the tests and other information as required by the department. Unless specifically waived by the department, a pretest meeting shall be held not later than fifteen (15) days prior to conducting the compliance demonstration. The department may accept a testing protocol in lieu of the pretest meeting. A representative of the department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the director in the form of a comprehensive report within six weeks of the completion of the testing.

b. New equipment - Unless otherwise specified by the department, all new equipment shall be tested by the owner or the owner's authorized agent to determine compliance with applicable emission limits. Tests conducted to demonstrate compliance with the requirements of Chapter 23 shall be conducted within sixty (60) days of achieving maximum production but no later than one hundred eighty (180) days of startup.

c. Existing equipment - The director may require the owner or the owner's authorized agent to conduct an emission test on any equipment if the director has reason to believe that the equipment does not comply with applicable requirements. Grounds for requiring such a demonstration of compliance include a modification of control or process equipment, age of equipment, or observation of opacities or other parameters outside the range of those indicative of properly maintained and operated equipment. Testing may be required as necessary to determine actual emissions from a source where that source is believed to have a significant impact on the public health or ambient air quality of an area. The director shall provide the owner or agent not less than thirty (30) days to perform the compliance demonstration and shall provide written notice of the requirement.

ITEM 16. Amend subrule 25.1(9) as follows:

Methods and procedures. Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of Chapter 23 or a permit condition are

those specified in the "Compliance Sampling Manual*" adopted by the commission on May 19, 1977 as revised through (date of adoption). Sampling methods, analytical determinations, minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are those found in Appendix B and Appendix F, 40 C.F.R. Part 60 as amended through January 31, 1977 February 11, 1991.

ITEM 17. Rescind paragraph 25.1(10) "d" which follows.

~~An affected source (or the stack servicing an affected source) is already equipped with a continuous monitor purchased prior to September 11, 1974, but not meeting performance specifications referenced in 25.1(9) shall be exempt from the installation, calibration, maintenance, and operation of a replacement monitor meeting specifications of 25.1(9) for a period of up to five (5) years from the date these rules become effective. However, in such cases the stipulations of 25.1(5) and 25.1(6) shall still apply to the existing monitor.~~

ITEM 18. Amend rule 29.1 as follows:

~~29.1(1) Qualifications. To qualify as an observer in reading visible emissions, a candidate must complete a smoke reading course conducted by the department, or an equivalent course. The smoke generator used to qualify the observers must be equipped with a calibrated smoke indicator or light transmission meter located on the source stack if the smoke generator is to determine the actual opacity of the emissions. In order to qualify, the candidate must meet or exceed the following requirements:~~

~~a. Have on record with the department a minimum of 250 readings of black plumes and 250 readings of white plumes, taken at approved smoke reading courses.~~

~~b. Must consecutively assign opacity readings in five percent (5%) increments, to 25 black plumes and 25 white plumes, with an error not to exceed 15 percent (15%) on any one reading and an average error not to exceed seven and one half percent (7.5%). This requirement must be met every six (6) months in order to remain qualified.~~

~~29.1(2) Procedures. For stationary sources, the qualified observer stands at a distance from the base of the stack necessary to obtain a clear view of the appropriate portion of the plume, with the sun to the observer's back but not more than 45 degrees to either side. From a vantage point perpendicular to the plume, the observer studies the point of greatest opacity in the plume. All readings are to be recorded to the nearest five percent (5%) opacity. A minimum of 32 readings shall be recorded. For mobile sources, the qualified observer following a vehicle must avoid reading directly into the plume, if possible. The line of observation should intersect the smoke train at as wide an angle as possible. Error of reading smoke in this fashion should be compensated for and smoke should be read at its point of maximum density. The periods of time in which opacities exceed the prescribed standard should be totaled. All readings are to be recorded to the nearest five percent (5%) opacity.~~

Methodology and qualified observer.

The federal method for visual determination of opacity of emissions and requirements for qualified observers as defined in Method 9, 40 CFR Part 60 Appendix A as amended through November 14, 1990, are adopted by reference.

These rules are intended to implement Iowa Code chapter 455B.

Mr. Stokes explained that these rules will correct some typographical errors as well as update some references to federal rules dealing with dates. It will also change references to opacity standards and adopt, by reference, the federal procedures. Some references to old EPA models will be deleted. He further explained changes in the area of stack testing notification and requirements. He added that changes in the Compliance Sampling Manual are to update references.

Mr. Stokes stated that if the Commission identifies some specific areas of concern with the rules, staff will give a presentation on those concerns before final adoption of the rules.

Motion was made by Rozanne King to approve Notice of Intended Action--Chapters 20, 22, 23, 24, 25 and 29, Air Quality Rules. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 10, ADMINISTRATIVE PENALTIES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to adopt the attached amendments to Chapter 10. No comments were received on the proposed changes, since they mainly implement legislative changes made this year.

ENVIRONMENTAL PROTECTION COMMISSION {567}

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.109, as amended by 1992 Iowa Acts, House File 2299, the Environmental Protection Commission amends Chapter 10, "Administrative Penalties," Iowa Administrative Code. The amendments raise the authorized penalty level from \$1,000.00 to \$10,000.00, as provided by statutory amendment, and make other minor modifications to the rules based on organizational changes in the Department and other statutory changes since the time these rules were first adopted.

A Notice of Intended Action was published on July 8, 1992, as ARC 3162A. No comments were received and there were no changes to the proposed rules. The Commission adopted the final rules at its August 17, 1992, meeting.

This rule is intended to implement Iowa Code section 455B.109. These rules become effective October 21, 1992, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Code and Bulletin.

ITEM 1. Amend rule 10.1(455B) as follows:

567--10.1(455B) Scope. Iowa Code section 455B.109 authorizes the assessment of administrative penalties for ~~minor~~ violations of of Iowa Code chapter 455B or rules, permits and orders promulgated or issued pursuant to 455B. This rule describes the policies and procedures for assessing such penalties.

ITEM 2. Amend rule 10.2(455B), introductory paragraph, first two sentences, as follows:

567--10.2(455B) **Criteria for screening and assessing administrative penalties.** All formal enforcement actions are processed through the ~~legal services~~ environmental protection division administrator of the department. The ~~legal staff~~ administrator shall screen each case to determine the most equitable and efficient means of redressing and abating the violation.

ITEM 3. Amend subrule 10.2(4) striking lettered paragraphs "a"-"e" and further amending this subrule as follows:

10.2(4) The maximum penalty authorized for that violation under Iowa Code chapter 455B. The penalty provisions of chapter 455B establish different maximum penalties for different categories of violation. ~~See, e.g., for: example~~ \$500 for flood plain and water rights (455B.279); \$1,000 for hazardous condition notification (455B.386); \$5,000 for solid waste (455B.306), wastewater and drinking water (455B.191), and underground tanks (455B.477); \$10,000 for air pollution (455B.146) and hazardous waste (455B.417 and 455B.454); and more severe criminal sanctions for culpable water, hazardous waste, and underground tank violations. These penalty provisions also authorize penalties for each day of violation, which for an ongoing violation can be substantial. Thus the department will consider not only the maximum daily penalty in the Code for that type of violation, but also the maximum penalty for cumulative violations under consideration.

ITEM 4. Amend rule 10.3(455B), introductory paragraph, by changing \$1,000 to \$10,000, and subrule 10.3(2) by changing \$300 to \$3,000 in two places and \$100 to \$1,000. .

Date

Larry J. Wilson, Director

Mr. Stokes gave an explanation of the rules.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 10, Administrative Penalties. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code Section 21.5(1)(c).

a. ~~Leonard Vonderhaar (Clayton County) - solid waste/air quality~~

b. Kris Ehlinger (Maquoketa) - underground tanks

Leonard Vonderhaar

Mr. Murphy briefed the Commission on the history of this case involving illegal solid waste disposal and open burning violations.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.

REFERRED

Kris Ehlinger

Mr. Murphy briefed the Commission on the history of this case involving an underground storage tank site contamination.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

REFERRED

1993 LEGISLATION PACKAGE

Larry Wilson, Director, reviewed that at the last Commission meeting he distributed copies of the department's Environmental Protection legislative proposals for 1993 and asked for comments or suggestions. He again provided copies for the Commissioners who needed one. Mr. Wilson noted that draft bills will be brought for the Commission's review in September and final review will be at the October meeting. He stated that if the Commissioners have any major changes in direction, he needs to know about them soon.

Director Wilson discussed in detail each of the following legislative proposals.

AIR QUALITY AUTHORITY CORRECTIONS NECESSARY TO IMPLEMENT THE NEW FEDERAL CLEAN AIR ACT

During the 1992 legislative session, the department proposed several amendments to our air quality authority which are necessary to implement the new federal clean air act. The amendments were not adopted in final form during 1992. The changes are absolutely needed this year, as the department must submit its final package to US EPA in November 1993 in order for Iowa to retain delegation of the federal air quality program.

CREATE AN ENVIRONMENTAL TRUST FUND

Establish a trust fund which would receive user fees in air quality, solid waste, water supply, and water quality areas. These funds will be used to fund the administrative costs of the department in operating the programs of appropriate sections of Chapter 455B. User fees would be obtained by requiring that rules be adopted which establish a schedule of fees for permits and conditional permits issued by the department, and a schedule of fees to be periodically assessed for the administration of the permits.

This proposal was introduced during the 1992 session, but a final bill was not adopted. Funding of environmental protection programs is now at a critical stage. Wastewater program funding was handled through the old construction grants program; this source was eliminated in 1990, any reserve has been depleted. Solid waste programs have been operating off of oil overcharge funds, and this funding source will be exhausted after 1993. The drinking water program needs to be expanded due to increasing federal requirements. An adequate and reliable source of funding for these programs needs to be established.

ALLOCATING FINES AND PENALTIES FOR REMEDIAL ACTIVITIES

This proposal was included in the environmental trust fund legislation introduced during the 1992 session. Fines and penalties, which are currently allocated to several accounts, would be placed into one account, and used for remedial activities.

ELIMINATE 10 YEAR MORITORIUM ON WASTEWATER TREATMENT PLANT UPDATES

This provision (455B.173(2)), which prevents the department from requiring compliance with more stringent effluent limits for ten years after construction of a facility, is not consistent with the federal water pollution control act. The US EPA has made it clear that failure to remove this provision will be cause for them to supersede our state program.

FUNDING FOR WASTE REDUCTION ASSISTANCE PROGRAM (WRAP)

This technical assistance program helps large businesses to reduce their solid and hazardous waste generation. It is currently funded by a US EPA grant; however, FY 93 is the final year for funding. Alternative funding sources have been proposed during the last two legislative sessions, but have not yet been adopted.

CORRECTIVE AMENDMENT TO SOLID WASTE TONNAGE FEE LANGUAGE

During the 1992 legislative session, new language was introduced which would require landfill operators to charge higher tonnage fees to anyone hauling solid waste from outside the comprehensive plan area. However, the language needs fine tuning to accomplish legislative intent, which is to provide a financial incentive for disposing of waste within the comprehensive plan area.

WASTE OIL COLLECTION

Require every county to have at least one collection site. Current state law does not ensure reasonable access by the public to proper facilities for disposal of this waste.

BOTTLE BILL CORRECTIONS

Make the following corrections, to reflect the types of containers now marketed, and provide consistency in implementation of the program.

- (1) Change 455C.1 definitions, to include non-alcoholic beers and wines, and non-carbonated juices and waters. These newly marketed products are sold in the same types of containers that regulated beverages are contained in.
- (2) Modify 455C.14, which deals with flattened metal beverage containers, by deleting references to metal and "beer" distributors. This would require that all beverage distributors provide for collection of containers, and all containers except broken glass would be accepted.

MINIMIZE PRODUCT PACKAGING AND INCREASE PACKAGE RECYCLABILITY

Model legislation, developed by the Coalition of NE Governors, would require excess packaging to be reduced and encourage recyclability of packaging that is used. This legislation could be introduced as an augmentation to current waste reduction efforts in Iowa.

INCLUDE COLLECTION OF RECYCLABLES AS A REQUIREMENT IN CONSTRUCTION

This proposal would require that new, multi-family and business construction provide facilities for the collection of recyclables, if they provide for the collection of solid waste. Collection could include, but would not have to be limited to, paper, plastic, glass, and metal.

MINIMUM RECYCLED CONTENT OF NEWSPRINT

Require newspapers to meet certain percentages of recycled content newsprint in their operations. In addition, glossy inserts could be banned, and a requirement added that they be printed on recyclable paper.

EXPANDING PROCUREMENT POLICIES TO INCLUDE LOCAL GOVERNMENTS

Require local governments to establish procurement policies which encourage use of products with recycled content. An extension of this would be to require that local governments also institute office recycling programs.

STORMWATER PERMIT AUTHORITY TECHNICAL CORRECTION

Add Part "1" to 455B.103A (stormwater general permit enforcement authority). The number "1" was inadvertently left out of language that was in the department's appropriations bill this past session.

ESTABLISHING FEES ON PESTICIDES AND FERTILIZERS TO SUPPORT WATER TREATMENT COSTS

Additional standards and monitoring requirements for synthetic organic contaminants and nitrate in drinking water places a significant burden on water supplies for both monitoring and treatment costs. A fee on the sale of chemicals could be used to pay for or provide cost share for treatment and/or monitoring costs.

ACCOUNTABILITY FOR SOLID WASTE TONNAGE FEES THAT LOCAL AGENCIES RETAIN

As of FY 1993, local agencies are able to retain 95 cents of the \$4.25 tonnage fee for various purposes, such as comprehensive plan development and implementation, closure/post closure requirements, installing scales, closing landfills, and building transfer stations. A critical element is saving funds for closure/post closure requirements. Currently, there are no reporting requirements which indicate how much money is set aside, and for what purposes. Requiring some reporting to the Legislative Fiscal Bureau, with a copy to DNR, would provide some accountability.

Discussion followed regarding waste oil collection sites.

Chairperson Hartsuck commented that he feels anyone who sells oil should have to provide a place for waste oil disposal.

Clark Yeager asked where the second to last proposal came from.

Director Wilson stated that it came from the Policy Coordination Bureau.

Chairperson Hartsuck stated that there should be a legislative proposal to require full disclosure of all inerts in herbicides and pesticides. Commissioner Ehm agreed with Chairperson Hartsuck on this issue.

Clark Yeager commented that he would like to hear the other side of the story on inerts.

Dan Frieberg, Iowa Fertilizer and Chemical Association, agreed to arrange a presentation on the other side of the inert issue next month

Brief discussion followed regarding regionalization of solid waste facilities.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Rozanne King discussed water reclamation and reuse for irrigation purposes.

ADDRESS ITEMS FOR NEXT MEETING

Discussion took place on inert information being available from the Department of Agriculture and how the information is dispersed.

Director Wilson stated that staff will give a report on the procedure used to get that information.

NEXT MEETING DATES

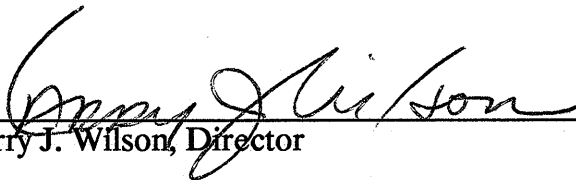
September 21, 1992

October 19, 1992

November 16, 1992

ADJOURNMENT


With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 2:45 p.m., Monday, August 17, 1992.



Larry J. Wilson, Director



Richard Hartsuck, Chairperson



Nancylee Siebenmann, Secretary

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